



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

301-495-4616

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, January 17, 2008, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:10 p.m.

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

Items 1 through 7, and Item 14, a Closed Session item, are reported on the attached agenda.

The Board recessed at 12:25 p.m. for lunch and to take up Item 14, a Closed Session item in the third floor conference room.

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 12:40 p.m. in the third floor conference room, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Commissioners Hanson, Robinson, Bryant, and Cryor, present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(3), to consider issues related to acquisition of real property for public purpose.

Also present for all or part of the Closed Session were Adrian Gardner, General Counsel; Gwen Wright, Acting Planning Director; Mary Bradford, Director, Mike Riley, Deputy Director, Bill Gries and Daniel Hertz of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing from Parks and Legal staff regarding a proposed land transaction related to the adjacent Parking Lot District property with the Montgomery County Parking District and the Department of Public works and Transportation for the SilverPlace project.

The Closed Session was adjourned at 1:10 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:30 p.m.

Items 8 through 11 are reported on the attached agenda.

Item 13 was postponed.

Because of inclement weather, the Board continued without a dinner recess into the evening session, taking up Item 12, Worksession #3, Twinbrook Sector Plan, which is reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:10 p.m. The next regular meeting of the Planning Board will be held Thursday, January 24, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

E. Ann Daly
Technical Writer

Montgomery County Planning Board Meeting
Thursday, January 17, 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) Site Plan No. 820060330, Petruccelli's Corner; ADOPTION OF CORRECTED RESOLUTION No.: 07-95
- ii) Preliminary Plan No. 120060410, Heller Realty East; ADOPTION OF RESOLUTION No. 08-16
- iii) Preliminary Plan No. 12007032A, Shady Grove Parcels 6 & 7 - Phase II: ADOPTION OF RESOLUTION No. 08-12
- iv) Site Plan No. 820080020, 6110 Oberlin Avenue; ADOPTION OF RESOLUTION No. 08-04

Staff Recommendation: Approval

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: A) Adopted the Resolutions as presented in Group A.

2. Record Plats

Subdivision Plat No. 220071550 - 220071570, Rock Creek Woods

RT-8 zone; 30 lots, 6 parcels; located on the west side of Baltimore Road, approximately 1,600 feet north of Twinbrook Parkway; Aspen Hill.

Staff Recommendation: Approval

Subdivision Plat No. 220080530 - 220080540, Greenway Village

PD-4 zone; 6 parcels; located on the south side of Skylark Road, approximately 3,400

feet west of Ridge Road (MD 27); Clarksburg.

Staff Recommendation: Approval

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Approved staff recommendation for approval.

Hearings on Applications

3. Preliminary Plan No. 120060710, Sutton Property

RE-2 zone; 25 acres; 7 lots requested; 7 one-family detached dwelling units; located at the northern terminus of Centurion Way and on the eastern side of McCrossin Lane; Potomac.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-1

Nay: CRYOR

Other: LYNCH ABSENT

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

Development Review Division staff presented the request to create seven lots for seven one-family detached dwelling units on a 25-acre property located at the northern terminus of Centurion Way on the eastern side of McCrossin Lane in Potomac, as discussed in detail in the January 7 technical staff report. Staff extensively discussed the proposed sand mounds and a proposed connection for Riding Field Road.

Mr. Bob Harris, attorney representing the applicant, introduced Mr. Dave Little, the applicant, and Mr. Kevin Foster, engineer for the applicant. Mr. Harris briefly discussed the proposed plan and noted that the proposed sand mounds are in compliance with state regulations, consistent with the Master Plan, and the Department of Permitting Services has approved them.

The following speakers offered testimony: Mr. Thomas Moseley of McCrossin Lane; Ms. Linda Suydam of Riding Fields Road; Mr. Gerald Barkdoll of Riding Fields Road; Ms. Bette Petrides of Oldchester Road; Ms. Soraya Jafari of Riding Fields Road; Mr. Robert Parr of Travilah Grove Homeowners; Mr. David Brown, attorney representing the Travilah Grove Homeowners Association; and Ms. Ginny Barnes of Glen Road and representing the West Montgomery County Citizens Association.

Messrs. Gene Von Gunten and Richard Brush from the Montgomery County Department of Permitting Services offered comments and answered questions from Board members regarding the workings of the sand mound system.

There followed an extensive Board discussion, with questions to staff and the applicant's representatives.

Commissioner Cryor dissented, stating that there are two well established communities in the area and in her view adding this new development with odd shaped lots and unsightly sand mounds will negatively impact the neighborhood.

4. Project Plan Review No. 91992004B (Formerly 9-92004B), 4 Bethesda Metro Center Extension Request

CBD-3 zone; 3.48 acres; 12,800 gross square feet retail, 233,284 gross square feet office; located at the southwest quadrant of the intersection of Old Georgetown Road and Wisconsin Avenue; Bethesda.

Staff Recommendation: Approve Extension Request

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Approved staff recommendation to approve the 90-day extension request.

Development Review Division staff presented and briefly discussed a request for extension of the 90-day review period for the 4 Bethesda Metro Center project plan to allow the applicant time to work with staff and the community on density and sector plan issues raised by this application. Staff also added that the project plan is being reviewed concurrently with the preliminary plan.

5. Project Plan Review No. 920080060, (Formerly 9-07006), Bonifant Plaza Extension Request

CBD-1 zone; .59157 acres; 72 multi-family dwelling units, including 9 MPDUs; located on Bonifant Street, approximately 135 feet east of Georgia Avenue; Silver Spring.

Staff Recommendation: Approve Extension Request

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Approved staff recommendation to approve the 90-day extension request.

Development Review Division staff presented and briefly discussed a request for extension of the 90-day review period for the Bonifant Plaza project plan to allow the applicant time to work with staff on issues that have to be addressed by several agencies,

including vehicular access and public use space and amenities. Staff noted that many of these issues require interagency analysis and the submission of additional information, which justify the extension.

6. Review and comment on Administrative water and sewer category change requests

AD 2008-1

Staff Recommendation: Approval of Staff Recommendations

BOARD ACTION

Motion: ROBINSON/HANSON

Vote:

Yea: 3-1

Nay: BRYANT

Other: LYNCH ABSENT

Action: Approved staff recommendation for approval of the submitted list of water and sewer category change requests, with the exception of the Kline (08A-URC-01) and McGrady (08A-DAM-01) requests, as stated in the attached transmittal letter to the Director of the Montgomery County Department of Environmental Protection.

Countywide Planning Division staff presented a list of water and sewer category change requests, as discussed in the January 7 technical staff report. Staff noted that the Montgomery County Department of Environmental Protection (MCDEP) staff has submitted a list of category change requests on behalf of the County Executive, and staff recommends approval with the exception of the Kline and McGrady cases, as discussed in the staff report. Staff also added that MCDEP has scheduled a public hearing on these cases for January 23 at 2:30 p.m., and the Board's recommendations will be transmitted to MCDEP's Director before the hearing.

At the Board's request, Mr. Alan Soukup representing MCDEP offered comments, and recommended that the Kushawha request be removed from the list because of land use issues.

There followed a brief Board discussion with questions to staff and Mr. Soukup.

Commissioner Bryant dissented, stating that these cases should go to the County Council for review with recommendations from the Planning Board.

7. Review of County Council Legislation:

- Bill 29-07, Environmental Sustainability - Climate Protection - Motor Vehicles
- Bill 30-07, Buildings - Energy Efficiency
- Bill 31-07, Real Property, Energy Performance Audits
- Bill 32-07, Environmental Sustainability - Climate Protection Plan
- Bill 33-07, Renewable Energy
- Bill 34-07, Planning Procedures - Greenhouse Gas Emissions
- Bill 35-07, Consumer Protection - Energy and Environmental Advocacy

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Environmental Planning Division staff presented and discussed seven legislative bills pertaining to Greenhouse Gas Emissions, Climate Protection, Energy and Environmental Advocacy, Renewable Energy, and Energy Efficiency, as discussed in detail in the January 10 technical staff report. Staff noted that the seven bills propose legislative changes designed to combat global climate change by taking action in Montgomery County. Staff also noted that Environmental Planning staff is very supportive of these initiatives with certain modifications.

There followed an extensive Board discussion with questions to staff.

Staff noted that the County Council is holding a public hearing tonight at 7:30 p.m., and staff will transmit the Planning Board's comments to the County Council during the meeting.

LUNCH

14. 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:

Action: MET IN CLOSED SESSION. SEE NARRATIVE MINUTES FOR OPEN SESSION REPORT AND STATE CITATION.

Park Items - 8 and 9

8. [Board Worksession and Action on Nominations for Legacy Open Space](#)

(Public Hearing was held on November 15th, No Additional Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: CRYOR, LYNCH ABSENT

Action: (1) Without objection, concurred, with modifications, in staff's proposed amendments to the current process for identifying and evaluating new Legacy Open Space sites, related to developing an expanded checklist; beginning outreach earlier in the evaluation process to property owners and others with property interests, and adjacent communities; presenting each time fewer applications; and presenting, possibly semi-annually, smaller groups of nominated sites but enough for comparative reasons.

(2) Acted on Legacy Open Space sites, as reported in the text below.

Staff of the Park Planning and Stewardship Division presented highlights of the Jan-

uary 11 technical staff report that outlined the process for identifying and evaluating new sites and suggested improvements; staff responses to Board questions for additional information about Legacy Open Space policy and procedures; and noted the public hearing testimony summary and staff responses. As noted in the staff report, the Board approved the Milton property in December and staff is coordinating on the 4H Council Headquarters with its representatives and expects to present a recommendation to the Board in the near future.

Commissioners discussed the Legacy Open Space process and purpose, and generally agreed it is helpful to review nominations as a group in order to consider opinions of the community and staff and to see policy implications, even though individual applications ultimately are judged on their individual merits.

At the request of the Board, Ms. Ginny Barnes, an original appointee and continuing member of the LOS Advisory Committee, testified that the idea has always been to have the public involved and she feels the public is an important participant.

At the request of the Board, staff commented on the distinction between the identification and nomination of properties for LOS and the identification and designation of land for acquisition and development under the parkland acquisition program.

8. Board Worksession and Action on Nominations for Legacy Open Space

CONTINUED

The Board took the following actions on each nomination.

Beverly Property, Broad Run Watershed, Poolesville

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Approved the staff recommendation to designate the site as a Legacy Open Space Natural Resource site, and recommends as a protection technique acquisition of approximately 300 acres of forest as permanent stream valley or conservation parkland; pursue an overlay easement to protect forested areas from timbering and to allow for a trail connection as necessary, and further study of additional properties for future completion of the Broad Run Stream Valley Park.

At the request of the Board, Mr. Beverly spoke on behalf of the family and opposed an overlay easement. He stated, among other things, the property is protected under the State Rural Legacy Program.

Wild Acres/Grosvenor Mansion Property, Bethesda

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Approved the staff's current recommendation to designate a portion of the site as a Legacy Open Space Natural Resource site; that is, the area that is generally adjacent to Fleming Local Park, including appropriate areas of high quality forest bordering Interstates 495 and 270; and recommends as a protection technique to seek dedication of appropriate areas through the special exception or development review process if a new special exception use or development is proposed.

8. Board Worksession and Action on Nominations for Legacy Open Space

CONTINUED

Hickey and Offutt, Bethesda

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Approved the staff recommendation to designate the site as a Legacy Open Space Natural Resource site, and for a protection technique recommends dedication of important forested areas through the development review process; and to pursue partial to full acquisition to further protect the resource if inadequate acreage is obtained in dedication.

Ireland Drive/National Park Seminary Carriage Trails, Silver Spring

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Approved the staff recommendation as revised to designate as a Legacy Open Space Heritage Resource the complete National Park Service (NPS) carriage trail and the associated forest outside WRAMC's security fence; and recommends consideration of trail access easements of North Ireland Drive from the U.S. Army in addition to outright transfer of the trails to M-NCPPC, subject to continued negotiations on funding resources and assignment of responsibility.

Montgomery College of Art and Design (MCAD)

Motion: BRYANT/HANSON

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Agreed to not designate this site as Legacy Open Space as an Urban Open Space, contrary to the staff recommendation to designate and to seek full acquisition.

Vice Chair Robinson agreed that this is not a Legacy Open Space site, but noted the shortage of open space on Georgia Avenue and said he could support acquisition under other County funding mechanisms.

8. Board Worksession and Action on Nominations for Legacy Open Space

Selden Island/Walker Village Site

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Agreed to designate the site as a Legacy Open Space archeological preservation site, and recommends as a protection technique that an archeological easement be acquired; contrary to the staff recommendation to not add the site to Legacy Open Space and to attempt a partnership with the property owner.

Edson Lane Forest

Motion: BRYANT/HANSON

Vote:

Yea: 3-0

Other: CRYOR, LYNCH ABSENT

Action: Agreed with the staff recommendation to not add this site to Legacy Open Space.

9. Special Protection Area Best Management Practices PB-122 through PB-129. Biotrenches to promote infiltration of stormwater in road rights-of-way in the Upper Paint Branch Special Protection Area *Staff Recommendation: Approval*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR, LYNCH ABSENT

Action: Approved staff recommendation to approve construction of Special Protection Area Best Management Practices (SPA BMPs) Biotrenches within Department of Public Works (DPWT) rights-of-way in the Upper Paint Branch SPA

The Board thanked the Department of Public Works and Transportation (DPWT) representatives for being present: Mr. Rob Shreeve, Environmental Manager and Douglas W. Roys, P.E., Environmental Stewardship and Stormwater Management Lead, from the ICC Project Management Office, and their consultant, Sean C. Punte, P.E., of NMP Engineering Consultants, Inc.

10. Purple Line Functional Master Plan

Final Version – Purple Line Functional Master Plan Purpose & Outreach Report and Update on Purple Line Planning Update

Staff Recommendation: Approval of report and transmittal of request to Maryland Department of Transportation to provide 90 day circulation (review) period for Purple Line Draft Environmental Impact Statement/Alternatives Analysis (DEIS/AA)

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR, LYNCH ABSENT

Action: Approved staff recommendation to approve the Purple Line Functional Master Plan Purpose and Outreach Strategy Report as structured; received an update with respect to the Purple Line Draft Environmental Impact Statement/Alternatives Analysis (DEIS/AA), and endorsed the request, as stated in the attached letter to the Maryland Department of Transportation to provide a 90-day circulation (review) period for the Purple Line DEIS/AA.

Staff of Transportation Planning Division presented highlights of the January 8 technical staff report, which cites the extensive outreach efforts taken both by the lead agency, the Maryland Transit Authority (MTA) and Park and Planning, and explains that the Purple Line Functional Master Plan "...will provide policy guidance for transit station area sector plans and other planning efforts (including development review) by formally establishing an alignment, mode and station locations along a corridor within the County extending from Bethesda to the County boundary in the Takoma – Langley Park area."

Staff also reported that, to some extent in reaction to the Bethesda Realignment (BRAC) announcement, at least 200 emails have been received in support of an alternate loop, considered by the Planning Board and County in 2003, for a heavy rail extension of Metrorail between Silver Spring and the Medical Center Station.

The Board invited testimony from the following Master Plan Advisory Group (MPAG) members present, of the 30-member MPAG appointed by the Planning Board to represent a wide range of issues and geographic areas and function as communication liaisons to their respective communities: Mier Wolf, Anne C. Martin, Harry Sanders, Ted Power, Edward Hall Asher, Jonathan Jay, Veda Charrow, Byrne H. Kelly, Caleb Kriesberg, and Karen Roper.

10. Purple Line Functional Master Plan

Among numerous topics mentioned were support for: the concept that a functional master plan should provide guidance and set the stage for land use plans for individual areas; consideration of alternatives for a connection between Silver Spring and Bethesda; further exploration for a Purple Line loop with terminus at the Bethesda Medical Center; and assurance that valid critical data will be forthcoming with adequate review time for proper evaluation.

In closing, the Board endorsed consideration of alternatives for the Silver Spring-

Bethesda alignment, endorsed the request for additional data on the full economic costs of alternatives and requested data on ridership time and numbers; and supported extension of the DEIS/AA review period.

Chairman Hanson urged the MPAG to consider compromises, noting this review is a rare opportunity to produce a functioning east-west high volume mobility system separate from roads, but the system must serve communities and also accommodate those communities that are adjacent.

13. Local Area Transportation Review and Policy Area Mobility Review Guidelines Worksession - POSTPONED

Staff Recommendation: Adopt Revised Guidelines

(Continuation of Item #7 from January 10, 2008. No additional public testimony will be taken.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Roundtable Discussion Including Briefings and Worksessions

- A. Approval of Minutes
- B. Commissioner's Report
- C. Director's Report
- D. Shady Grove Report
- E. Forest Conservation Law Amendments
- F. TDR Status Report and Tracking
- G. Development Districts - POSTPONED

BOARD ACTION

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

Vote:

Yea: (A.) **3-0**

Nay:

Other: (A.) **CRYOR , LYNCH ABSENT**

Action: **A. Approval of Minutes**—Approved December 20, 2007 minutes as presented.

B. Commissioner's Report—None.

C. Director's Report—None.

D. Shady Grove Report—Community-Based Planning staff briefed the Board on the County Executive's plans to relocate the Public Service Training Academy and the uses at the Crabbs Branch Service Park.

E. Forest Conservation Law Amendments—Environmental Planning staff briefed the Board and commented on amendments proposed by Councilmember Elrich to the Forest Conservation Law, Bill 37-07, as detailed in two staff reports, in preparation for Council worksessions in February. The Board supported amendments that strengthen or clarify the law, noting that some issues are better handled by a tree ordinance or other means.

F. TDR Status Report and Tracking—Research and Technology staff provided an overview of the findings of an in-depth analysis of the use of transferrable development rights, as contained in the *2007 TDR Tracking Report*, in preparation for the Council Committee on Planning, Housing, and Economic Development (PHED) worksession on January 24.

G. Development Districts - POSTPONED

12. Worksession #3 Twinbrook Sector Plan

Staff Recommendation: Approval to Transmit to County Council

BOARD ACTION

Motion: **BRYANT/ROBINSON**

Vote:

Yea: 3-0

Nay:

Other: CRYOR, LYNCH ABSENT

Action: Provided guidance for final revisions and approved for transmittal to the County Council, subject to final review and approval by the Chairman.

Community-Based Planning staff presented the final draft of the Sector Plan, reviewing the changes that have been incorporated as a result of the previous worksession.

Ms. Patricia Harris, attorney, and Legal Counsel to the Board provided information and responded to questions.

During extensive discussion of various issues and sections of the document, including the provisions and standards of the proposed new TOMX Zone, the Board provided additional revisions. Because the schedule does not allow time for a final Board review next week, the Board agreed to transmit the Sector Plan to the Council, following final review and approval by the Chairman.