



**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, February 4, 2010, at 9:50 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:10 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioner Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 12:05 p.m. for lunch and reconvened in the auditorium at 1:10 p.m.

Items 7(4), 6, and 7(3), taken up in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:10 p.m. The next regular meeting of the Planning Board will be held Thursday, February 11, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, February 4, 2010**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**A. Adoption of Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**                   **There were no Resolutions submitted for adoption.**

**B. Records Plats**

**1. Subdivision Plat No. 220091020, Black Hills Estates**

RE-2 zone, 2 lots; located on the north side of Black Hills Road, 900 feet east of Clarksburg Road (MD 121); Boyds.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220100410, Chevy Chase, Section 4**

R-60 zone, 1 lot; located on the north side of Virgilia Street, 300 feet west of Connecticut Avenue (MD 185); Bethesda-Chevy Chase. *Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                   **WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other:           ALFANDRE ABSENT**

**Action:         Approved the Record Plats as stated above.**

**C. Other Consent Items**

Planning Board Testimony for Expedited Bill 3-10 - **REMOVED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:                 This item was removed from the agenda.**

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**D. Approval of Minutes**

Minutes of December 17, 2009 meeting

**BOARD ACTION**

**Motion:                 PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea:                 3-0**

**Nay:**

**Other:                 ALFANDRE ABSENT**

**Action:                 Approved the minutes of December 17, 2009, as presented.**

## 2. County Executive's Recommended Capital Improvements Program

Planning Board review of Executive's Recommended FY11 Capital Budget and FY11-16 Capital Improvements Program released on January 15.

*Staff Recommendation: Transmit Comments to County Council*

### **BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Approved the staff recommendation for transmittal to the County Council, subject to revisions to the proposed comments identified in discussion, as stated in the attached Letter of Transmittal.

Transportation Planning staff and Community-Based Planning staff presented the recommended comments on the County Executive's FY11-16 Capital Improvements Program for, respectively, transportation and community facilities projects, as detailed in the two staff reports. Transportation Planning staff added a recommendation for the North Damascus Park and Ride Lot project, and Historic Preservation staff participated in the discussion of that project, which pertains to providing a driveway entrance from the Park and Ride Lot or from Ridge Road to the adjacent historic Perry Watkins House.

Ms. Judy Koenick offered comments.

In discussion, the Board provided guidance to staff for additions and revisions to the recommendations.

## 3. The Village of Clopper's Mill

**A. Preliminary Plan 11991052A:** PD-4 zone; 1.32 acres of an overall 117.73 acre tract; 20 lots requested for 20 townhouse residential dwelling units, including a minimum of 12.5% moderately priced dwelling units (MPDUs); located on Great Seneca Highway, 3,000 feet south of Clopper Road (MD 117); Germantown.

*Staff Recommendation: Approval with Conditions*

**B. Site Plan Amendment Review No. 81993013B:** PD-4 zone; 1.32 acres; 20 one-family attached (townhouse) units; located on Clopper's Mill Drive, approximately 1,300 feet east of the intersection with Great Seneca Highway; Germantown

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

**Vote:**

**Yea:**           **A. 3-0**

**B. 3-0**

**Nay:**

**Other:**       **ALFANDRE ABSENT**

**Action:**       **A. Approved the staff recommendation to approve the preliminary plan, subject to conditions revised in discussion, as stated in the attached Board Resolution.**

**B. Approved the staff recommendation to approve the site plan, subject to conditions revised in discussion, as stated in the attached Board Resolution.**

Development Review staff presented the preliminary plan and site plan for the final parcel in the Village of Clopper's Mill development, as detailed in the staff report. The senior housing originally intended for the site was constructed elsewhere in the development. A 2009 Development Plan Amendment allows up to 20 townhouses on the site, an increase of that amount for the overall development. In addition, staff supports a proposed waiver of the requirement for frontage on a public street, based on access via private driveways. Staff also noted an issue with the two required moderately priced dwelling units (MPDUs), which may be located on the subject parcel or elsewhere within the larger development, specifically, in the adjacent Riverstone condominium building on Clopper's Mill Terrace. Staff and the Condominium Association strongly recommended locating the MPDUs on the subject parcel.

Mr. Jody Kline, attorney, and Mr. Les Powell, representing the applicant, concurred in the staff recommendation, provided information about the history of the development of the project, and responded to questions from the Board.

Ms. Cathy Balogh, representing the Riverstone Condominium Association, offered comments.

In discussion, the Board revised the condition related to the pedestrian path, made several other corrections to conditions, and strongly recommended placement of the MPDUs on the subject parcel. Commissioners Presley and Wells-Harley also recommended an attempt to provide additional open space on the site.

**4. Preliminary Plan 120080110, Locust Hill Estates (Resubdivision)**

R-60 zone; 0.62 acres; 2 lots requested for 2 one-family detached residential dwellings, one existing to be removed and replaced; located on Broadbrook Drive, 670 feet northwest of Locust Hill Road; Bethesda-Chevy Chase.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE ABSENT

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

Development Review staff presented the proposal to resubdivide one lot into two lots for development of two one-family detached dwellings, as detailed in the staff report. The existing house and driveway will be removed.

Mr. Mahmoud Amin, the applicant, concurred in the staff recommendation.

**5. Preliminary Plan 120070760, 4823 Rugby Avenue**

CBD-1 zone; 0.22 acres; 1 lot requested for 17,238 square feet of office use; located on Rugby Avenue north of its intersection with Del Ray Avenue; Bethesda CBD Sector Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE ABSENT

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

Development Review staff presented the proposal to create one lot for general office and retail use, as detailed in the revised staff memorandum.

Ms. Stacy Silber, attorney representing the applicant, concurred in the staff recommendation and responded to questions from the Board about why development of a previously approved project plan for an optional method residential project for the site will not be pursued.

**7. Roundtable Discussion**

1. Growth Policy Bill 38-09 Update - POSTPONED
2. Transportation Studies Update - POSTPONED
3. Update on PHED Progress on Master Plans
4. Round 2 Savings Plan for FY10 Operating Budget - Park Fund Savings Measures

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **3. By consensus, approved transmittal of proposed Parks Department cost-saving measures to the County Council’s Planning, Housing, and Economic Development (PHED) Committee.**

**1. Growth Policy Bill 38-09 Update**—This item was postponed.

**2. Transportation Studies Update**— This item was postponed.

**3. Update on PHED Progress on Master Plans**—Following a presentation by Planning staff of issues raised by the County Council’s Committee on Planning, Housing, and Economic Development (PHED) related to the requirements and incentives for building lot terminations (BLTs) and workforce housing in the CR and LSC Zones, the Board discussed various aspects of those programs and provided guidance to staff for transmittal of comments to the PHED Committee.

**4. Round 2 Savings Plan for FY10 Operating Budget - Park Fund Savings Measures**— Parks Department staff presented for submission to the County Council’s Planning, Housing, and Economic Development (PHED) Committee, a cost-savings proposal to respond to the County Executive’s request for additional savings measures for the current year. An original proposal to eliminate the maintenance contract for elementary and middle school ballfields for Montgomery County Public Schools was rejected. The present proposal is to close 11 underutilized activity buildings.

**6. Special Exception No. S-2749: Vincent E. Lufsey, Outdoor Storage Facility, Applicant**

**A. Preliminary Forest Conservation Plan No. S-2749: Vincent E. Lufsey - Outdoor Storage Facility**

*Staff Recommendation: Approval with Conditions*

**B. Special Exception No. S-2749: Vincent E Lufsey-Out Door Storage Facility in the RC zone and a request for a waiver from the driveway width requirement of Section 59-E-2.41(b), located at 23320 and 23330 Ridge Road, Germantown.**

*Staff Recommendation: Approval with Conditions*

**(Action required for hearing by the Hearing Examiner on 02/12/10)**

**BOARD ACTION**

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

**B. PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: A. 3-0**

**B. 3-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: A. Approved the staff recommendation to approve the forest conservation plan, subject to revised conditions, as further revised in discussion, as stated in the attached Board Resolution.**

**B. Approved the staff recommendation to approve the special exception, subject to conditions, as stated in the attached Letter of Transmittal.**

Environmental Planning staff and Development Review staff presented, respectively, the forest conservation plan and related special exception request for an outdoor storage facility, to expand a home occupation that has existed on the site since 1995, as detailed in the staff reports. The proposal includes the construction of a trailer garage and associated parking. Staff distributed revisions to conditions 1 and 2 of the forest conservation plan.

Mr. William Chen, attorney, Mr. Phil Perrine, the land planner, and Mr. Vincent Lufsey, the applicant, concurred in the staff recommendation, elaborated on the proposed use, and responded to questions from the Board. Mr. Chen raised questions about the method of recording the conservation easement.

Legal Counsel to the Board noted that issues have been raised recently, but not resolved, about conservation easements that were not recorded on the record plat. Counsel suggested some language that could be placed on the forest conservation plan to address the issue, which the Board accepted.

Commissioner Presley noted the importance of ensuring that future property owners are aware of the conservation easement on the property.