



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 6, 2014, at 9:14 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:50 p.m.

Present were Chair Françoise M. Carrier, and Commissioners Casey Anderson and Amy Presley. Vice Chair Marye Wells-Harley was necessarily absent. Commissioner Norman Dreyfuss joined the meeting during discussion of Item 11.

Items 1, 2, 11, and 3, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 10:38 a.m. and to take up Items 5, 6, 7, 8, and 9 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 10:50 a.m. in the 3rd floor conference room, on motion of Commissioner Anderson seconded by Commissioner Presley, with Chair Carrier, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, and Vice Chair Wells-Harley absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §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 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; and §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin and Megan Chung of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, Callum Murray, and Larry Cole of the Planning Department; Director Mary Bradford, Deputy Director Michael Riley, Bill Gries, John Hench, Dominic Quattrocchi, Brooke Farquhar, Brian Lewandowski, and Dan Hertz of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board discussed Personnel matters; received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton; received briefing and discussed the proposed acquisition of parkland, and the potential disposition of parkland; and approved Closed Session Meeting Minutes of November and December 2013.

The Closed Session meeting was adjourned at 2:00 p.m.

The Planning Board reconvened in the auditorium at 2:12 p.m.

Items 10 and 4, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 2:50 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 13, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison
Technical Writer

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, February 6, 2014
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. Record Plats**

Subdivision Plat No. 220120760 & 220121200, Clarksburg Village

R-200/TDR zone; 45 lots, 3 parcels; located at the intersection of Bluffwood Terrace and Newcut Road; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140100, Chevy Chase, Section 8

R-60 zone; 1 lot; located on the west side of Oakridge Avenue, 150 feet north of Curtis Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat no. 220140190, Fernwood

R-90 zone; 2 lots; located in the northwest quadrant of the intersection of Inglemere Drive and Fernwood Road; North Bethesda/Garrett Park Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140330, Chevy Chase, Section 2

R-60 zone; 1 lot; located on the north side of Oxford Street, 330 feet east of Connecticut Avenue (MD 185); Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Approved staff recommendation for approval of the Record Plats cited above, as submitted.**

***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 December 19, 2013

BOARD ACTION

Motion: **PRESLEY/ANDERSON**

Vote:

Yea: **3-0**

Nay:

Other: WELLS-HARLEY AND DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of December 19, 2013, as submitted.

2. Roundtable Discussion

A. ~~Planning~~ Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

A. Park Director's Report - Parks Department Director Mary Bradford discussed efforts to urbanize the County with the collaboration of the City Parks Alliance. The Alliance provides guidance in best practices and funding procurement, and also includes additional agencies. Ms. Bradford also discussed ongoing repairs at various Parks facilities such as, lack of heat and broken water pipes as a result of current extreme weather conditions. The Parks Department has won a grant from the Federal Emergency Management Agency (FEMA), which will enable the Commission to continue to participate in security monitoring for terrorist or other socially disruptive activities. A simulated terrorist attack is scheduled for next month at the SoccerPlex in South Germantown Recreational Park for staff training purposes. Staff met with the Clarksburg Civic Association on January 27, 2014, to explore ideas and suggestions for a Clarksburg Master Plan update. Ms. Bradford noted that an advertisement campaign would begin in February to promote the kickoff of County camps and class registration. Also noted was the scouting event hosted by Parks at Little Bennett Campground consisting of approximately 650-700 participants, and the registration of more than 900 individuals for the Maple Sugaring Program at Brookside Nature Center.

The Planning Board discussed the safety demonstration conducted by Park Police at the Montgomery Regional Office in Silver Spring, Maryland, and presented the possibility of having a second demonstration conducted during an upcoming Planning Board meeting in an attempt to inform the public of emergency safety measures and procedures.

11. Expedited Forest Conservation Law Amendments

MOVED FROM ROUNDTABLE DISCUSSION

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 3-0-1

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved staff recommendation to present Forest Conservation Law Amendments to the County Council.

Planning Department staff discussed proposed language changes in the Forest Conservation Law that would impact requirements in the submission of a Forest Conservation Plan (FCP) which may include additional costs, stream restoration, FCP submission applicability and exemptions, application review and approval procedures, reforestation requirements, and hearings and appeals.

The Planning Board informed meeting attendees that individuals would be allowed to speak on this Item at a later date, following presentation of the proposed amendments to the County Council.

Mr. Dean Packard of PG Associates, Inc. offered testimony.

There followed extensive Board discussion regarding the impact of the proposed conservation law amendments.

Commissioner Dreyfuss stated his desire to receive an official environmental report prior to voting on this Item.

3. FY14 Capital Budget Transfer

Brookside Gardens Master Plan Implementation

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved staff recommendation for approval of the proposed FY2014 Capital Budget Transfer for the Brookside Gardens Master Plan Implementation.

Parks Department staff discussed the Brookside Gardens Master Plan implementation and the request for a Capital Budget transfer of \$460,000 to fund the project. The requested funds are a combined surplus from completed Parks projects, and will be used for stormwater management upgrades at Brookside Gardens. The proposed facility upgrades were not previously budgeted in the Capital Improvements Program (CIP), as the need for repairs was discovered after the CIP had been approved.

7. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 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 (Prepare for evaluation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Closed Session

Pursuant to State Government Article, Annotated Code of Maryland §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter (Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. Closed Session

Pursuant to 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 related thereto (Ovid Hazen Wells Recreational Park)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Review of County Executive's Recommended FY15-20 Capital Improvements Program - **REVISED**

Staff Recommendation: Transmit comments to County Executive

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, approved staff recommendation to transmit comments to the County Executive regarding the Recommended FY15-20 Capital Improvements Program (CIP), as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff discussed in detail staff review of the County Executive's recommended FY15-20 Capital Improvements Program (CIP), and staff's proposed recommendations. Staff noted that the County Executive's FY15-20 CIP recommendations were published on January 15, and staff has analyzed the proposed budget and prepared a list of projects, including new projects, projects with significant changes in budget and/or in schedule, and projects where there is particular interest because of the need for coordination with development or because of impact to the parks.

There followed a brief Board discussion with questions to staff.

10. Proposed State Legislation Regarding Immunity from Tort Claims and Artificial Turf Fields

Staff Recommendation: Oppose

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved staff recommendation to oppose the proposed State Legislation cited above.

The Commission's General Counsel Adrian Gardner, and Parks Department Director Mary Bradford briefly discussed the proposed State Legislation regarding immunity from Tort Claims and Artificial Turf Playing Fields. Mr. Gardner noted that the proposed legislation is for the purpose of establishing that the limits on liability of a local government under the Local Government Tort Claims Act do not apply to certain tort actions related to artificial or synthetic turf playing fields; providing that the State, its officers, and its units may not raise sovereign immunity as a defense in a certain action related to artificial or synthetic turf plain fields.

Ms. Bradford offered brief comments and stated the Parks Department's opposition to the proposed legislation.

Ms. Peggy Dennis representing the Montgomery County Civic Federation offered testimony. There followed a brief Board discussion with questions to staff.