



**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 20, 2014, at 11:46 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:49 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Members of the Planning Board participated in a tour of the Safeway retail and office space in Wheaton, beginning at 9:00 a.m.

The Board convened in the auditorium at 11:46 a.m.

The Board recessed for lunch at 11:48 a.m. and to take up Items 13, 1, and 11 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 12:50 p.m. in the 3<sup>rd</sup> floor conference room, on motion of Commissioner Anderson seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. 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.

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 and Deputy Director Rose Krasnow of the Planning Department; Director Mary Bradford, Deputy Director Michael Riley, Bill Gries, Dan Hertz, Judie Lai, and Mitra Pedoeem of the Parks Department; and Tomasina Ellison 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; and also received briefing and discussed the proposed acquisition of parkland.

There was no Technical Writer present for the discussion of Item 13.

The Closed Session meeting was adjourned at 1:56 p.m.

The Planning Board reconvened in the auditorium at 2:08 p.m.

Items 2, 3, 9, 10, and 12 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:49 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 27, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, February 20, 2014**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**13. 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 one 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.

---

**1. 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.

**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 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.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**2. Consent Agenda**

**\*A. Adoption of Resolutions**

1. 8001 Newell Street Site Plan 820140020 – MCPB No. 13-191

**BOARD ACTION**

**Motion:** WELLS-HARLEY/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Adopted the Resolution cited above, as submitted.

**\*B. Record Plats**

**Subdivision Plat No. 220131470, Glen Echo Heights**

R-90 zone, 2 lots, located on the north side of Dahlonga Road, 450 feet west of Wiscasset Road; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220140110, Chevy Chase, Section 5**

R-60 zone, 1 lot; located in the southeast quadrant of the intersection of Connecticut Avenue (MD 185) and Woodbine Street; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220140290, Burning Tree Valley Holton-Arms School / Bradley Hills Grove**

R-90 and R-200 zones, 1 lot and 1 parcel, located on the east side of Darby Road, 350 feet south of Darby Place; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:                   ANDERSON/PRESLEY**

**Vote:**

**Yea:                   5-0**

**Nay:**

**Other:**

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

**\*C. Other Consent Items**

**Piedmont Crossing Site Plan Amendment No. 82006012C**

Request to modify the approved Site Plan to revise the layout of the neighborhood park and to modify the development program and the associated timing of the release of the remaining building permits, on 35.74 acres in the R-90 Zone, located along Amity Drive, west of Bounding Bend Court, in the 2006 Shady Grove Sector Plan area.

*Staff Recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: PRESLEY/ANDERSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Site Plan Amendment, cited above.**

Planning Department staff discussed changes to the Piedmont Crossing Site Plan stating that redesign of the project during 2013 resulted in stop work orders being placed on two previously issued work permits from the Department of Permitting Services (DPS), causing construction delays. Following approval of the redesigned plan, construction of the park was scheduled to begin during December 2013, however, inclement weather caused additional delays and construction began in January 2014. The anticipated completion date of the project is May 2014.

The Planning Board discussed the project delays and provided guidance to staff regarding the submission of amendment documentation to avoid delays in future projects.

**\*D. Approval of Minutes**

Minutes of January 9 and January 17, 2014

**MOVED FROM FEBRUARY 13 AGENDA**

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved Planning Board Meeting Minutes of January 9 and January 17, 2014, as submitted.**

**3. Roundtable Discussion**

- Planning Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by Board discussion.**

**Planning Director's Report** - Planning Department Director Gwen Wright discussed the Clarksburg Master Plan, stating that it would be presented to the County Council on February 25, 2014, and noted that the first worksession for the White Oak Science Gateway Plan is scheduled for March 3, 2014. Ms. Wright also discussed upcoming plans and projects for the Planning Department, including Sandy Spring Village, and Bethesda Downtown. Ms. Wright updated the Board on upcoming events such as, the next session of the Speakers Series on Housing scheduled for February 22, 2014, the presentation of the Zoning Ordinance rewrite to the County Council on March 4, 2014, the upcoming Black History Month events, and the Makeover Montgomery conference planned for May 2014.

**9. Adoption of Bethesda Purple Line Station Minor Master Plan Amendment**

*Staff Recommendation: Transmit to the Full Commission for Adoption*

**MOVED FROM FEBRUARY 13 AGENDA**

**BOARD ACTION**

**Motion: ANDERSON/DREYFUSS**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit the Purple Line Station Minor Master Plan Amendment to the Full Commission for Adoption, as stated in the attached transmittal letter.**

Planning Department staff discussed the transmittal of the Bethesda Purple Line Minor Master Plan Amendment to the full Commission which is scheduled for adoption on March 19, 2014.

The Planning Board discussed the transmittal of the plan amendment and concurred with the staff recommendation.

**10. Farquhar Middle School**

**A. Mandatory Referral review of land acquisition and change in use.** MCPS is acquiring approximately 17 acres of parkland on Batchellors Forest Road in Olney located adjacent to the current school site to redevelop Farquhar Middle School, which will be combined with the 18 acre site currently housing the school. The combined 35 acres will be developed for use as a school and a park.  
*Staff Recommendation: Approval to Transmit Recommendations to MCPS*

**B. Release of Rural Open Space Easement granted to M-NCPPC by Pulte Home Corporation** on approximately 17 acres of land dedicated to M-NCPPC as parkland as a condition of Batchellors Forest Site Plan No. 820080190/A located on Batchellors Forest Road in Olney adjacent to the Farquhar Middle School.  
*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**C. Abandonment of Deed of Dedication granted by Pulte Home Corporation to M-NCPPC** on approximately 17 acres of land as parkland as a condition of Batchellors Forest Site Plan No. 820080190/A located on Batchellors Forest Road in Olney adjacent to the Farquhar Middle School in exchange for Perpetual Use Easement to be granted by MCPS to M-NCPPC over 18 acre site currently housing the adjoining Farquhar Middle School.  
*Staff Recommendation: Approval with Conditions and Adoption of Resolution for Recommendation to Commission*

**BOARD ACTION**

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

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

**Nay:**

**Other:**

**Action:**            **A. Approved staff recommendation to transmit recommendations to MCPS, as stated in the attached transmittal letter.**

**B. Approved staff recommendation for approval of the Release of Rural Open Space Easement, subject to conditions, and adopted the submitted Resolution.**



**C. Approved staff recommendation for approval of the Abandonment of the Deed of Dedication, subject to conditions, and adopted the submitted Resolution.**

**10. Farquhar Middle School**

CONTINUED

Planning Department staff offered a multi-media presentation and discussed the 17-acre subject property located on Batchellors Forest Road, adjacent to Farquhar Middle School, which will be combined with the 18-acre site currently housing the school. The proposed project would combine both properties to create a 35-acre parcel for the construction of a new school and local park. The conjoining of these properties would require release of an existing Rural Open Space (ROS) Easement placed on the subject property.

Legal counsel to the Planning Board discussed the subject property and its dedication to the Maryland National Capital Park and Planning Commission (M-NCPPC) for use as open space in the Batchellors Forest subdivision, stating that such a dedication is equivalent to an easement. The proposed project would require an abandonment of the dedication and the release of the ROS Easement as it would no longer be used as open space with the development of the proposed new school on the subject property. Acquisition of the subject property by Montgomery County Public Schools (MCPS) would not impact density requirements of the abutting residential subdivision, as the eminent domain law of government would apply in this land conveyance. MCPS would place a Perpetual Use Easement on the current school site for its proposed use as a park following redevelopment.

The Planning Board briefly discussed the authorization of documents regarding the release of the ROS Easement.

Staff discussed release of the easement noting that it would enable construction of a new school without relocation requirements, hasten the establishment of an interim park in the community, and provide a similar property in exchange for the one being released.

Counsel advised the Board of an anticipated two-year period between the released ROS Easement and the proposed Perpetual Use Easement because students must first be located to an interim school building, then the existing school would be demolished. Following inquiry from the Board, staff noted that the property is currently not used as a park and discussed questions presented by the Farquhar community.

Mr. Craig Schuman, representing Montgomery County Public Schools, offered comments and concurred with staff recommendations.

The following speakers offered testimony: Mr. Troy Kimmel representing Farquhar Middle & Brooke Grove Elementary Parents/Teachers Association (PTA); Ms. Jennifer McKneely representing Sherwood Elementary School PTA; Ms. Angela Edwards of Hornell Drive; Mr. Gregory Intoccia of Ziburnum Way; and, Mr. John McCabe representing Strathmore Family Limited Partnership.

**12. Planning Board Discussion RE: Expedited Forest Conservation Law Amendments**

- A. Staff Recommendation: Approve Reconsideration of Forest Conservation Law Amendments.*
- B. Staff Recommendation: Approve Forest Conservation Law Amendments and Transmit to County Council.*

**BOARD ACTION**

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

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

**Nay:**

**Other:**

**Action:**        **A. Approved staff recommendation for reconsideration of the proposed Forest Conservation Law Amendments.**  
                                  **B. Approved staff recommendation to transmit the proposed Forest Conservation Law Amendments to the County Council.**

The Planning Board briefly discussed the proposed changes to the Forest Conservation Law Amendments, and provided guidance to staff regarding the process by which amendments are submitted for review and approval.

Mr. Robert Kaufman, representing the Maryland National Capital Building Industry Association (MNCBIA), offered comments and concurred with the staff recommendations.

Legal counsel to the Board briefly discussed the proposed language changes to the Conservation Law Amendments.