

APPROVED  
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, February 21, 2008, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:00 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Allison Bryant and Jean Cryor.

Items 1 through 7 are reported on the attached agenda, with Item 5 postponed.

The Board recessed at 10:50 a.m.

Commissioner Cryor left the meeting for the day following the regular morning session and prior to the Closed Session.

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:

The Board convened in Closed Session at 11:15 a.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor of the motion, and with Commissioner Cryor absent. The meeting was closed under authority of State Government Article, Annotated Code of Maryland, Section 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 Section 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 a part of the Closed Session were Director of Parks Mary Bradford and Ann Daly of the Commissioners' Office.

In Closed Session, the Board met to review the management performance of the Director of Parks and also reviewed and approved Closed Session minutes.

The Closed Session was adjourned at approximately 12:20 p.m. and the Board returned to open session in the third floor conference room.

The Board reconvened in the auditorium at 1:10 p.m. with three Commissioners present.

Items 8 and 9 are reported on the attached agenda.

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There being no further business, the meeting was adjourned at 5:00 p.m. The next regular meeting of the Planning Board will be held Thursday, February 28, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, February 21, 2008**  
**9:00 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**1. Adoption of Opinions/Resolutions**

**Group A: Four Commissioners Eligible to Vote [Commissioners Bryant, Cryor, Hanson, and Robinson]**

- i) Preliminary Plan No. 120070690, Lot 31/31A Bethesda, ADOPTION OF CORRECTED RESOLUTION No. 07-184
- ii) Site Plan No. 820070180, Lot 31/31A Bethesda, ADOPTION OF CORRECTED RESOLUTION No. 07-198

**Group B: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]**

- iv) Site Plan Resolution No. 81998001-I, Clarksburg Town Center, ADOPTION OF RESOLUTION NO. 08-23 \*\*
- v) Site Plan Resolution No. 82002014D, Clarksburg Town Center, ADOPTION OF RESOLUTION No. 08-22 \*\*

\*\*The Commissioners eligible to vote on this Resolution either participated in the decision or have reviewed the record of the decision.

**BOARD ACTION**

**Motion:** BRYANT/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** Adopted the Resolutions, as described above.

2. **Record Plats**

**Subdivision Plat No. 220070690 - 220070700, Germantown Station**

RT-8 zone; 28 lots, 2 parcels; located in the northwest quadrant of the intersection of Lullaby Road and Father Hurley Boulevard; Germantown. *Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval of the proposed Amendment, as stated in the attached Board Resolution.

3. **Consent Items**

**Site Plan Review Amendment No. 82003033A Potomac Country Corner;** R-200/TDR zones; 4.01 acres; amendment: 1) Install and relocate brick walls, 2) Revise landscape and lighting plans, 3) Modify handicapped ramps, and 4) change path alignments; located at the south quadrant of the intersection of Darnestown Road and Hunting Lane; Potomac. *Approval with conditions*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

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

4. **Local Map Amendment No. G-874**

David Rever, applicant, request to rezone 29,893 square feet of land from the R-200 zone to the O-M zone; located at 13915 Columbia Pike, Silver Spring; *Staff Recommendation: Approval with conditions*

(Action required for hearing by the Hearing Examiner on 3/03/08)

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

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**Yea:** 4-0

**Nay:**

**Other:**

**Action:** **Approved staff recommendation for approval of the Local Map Amendment and the associated Schematic Development Plan, as detailed in the February 8 technical staff report and as stated in the attached Letter of Transmittal.**

Following Development Review Division staff's presentation of highlights of the February 8, technical staff report, Mr. David Freishtat, attorney, introduced the applicant, Dr. David Rever, and sought a recommendation of approval.

5. **Zoning Text Amendment No. 08-01 - POSTPONED**

Introduced by Councilmember Elrich; amending the Zoning Ordinance to exclude any building roof area from the definition of green area; and generally amend the definition of green area.  
*Staff Recommendation: Transmit comments to the County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** **This item was postponed.**

6. **Pre-Preliminary Plan No. 720020410, Bruchie Property**

RDT zone; 53.56 acres; 1 farm with residence and 2 child lots requested; 3 one-family detached dwelling units, one existing; located on Brown Church Road, approximately 2,000 feet southeast of Ridge Road (MD 27); Agriculture and Rural Open Space; *Staff Recommendation: Approval of one child lot, with conditions*

**BOARD ACTION**

**Motion:** **BRYANT/ROBINSON**

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** **Approved staff recommendation for approval as amended to approve two child lots, subject to an additional condition and modifications, and through the minor subdivision process, as reflected in the attached Board Resolution.**

Development Review Division staff presented highlights of the technical staff report that reviews the applicant's proposal to create two "child lots" of 1.2 and 1.8 acres through the minor

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subdivision process, pursuant to Section 59-C-9.74(b)(4) of the County Code, on the 53.56-acre family farm. Staff recommends approval of one “child lot,” based on the analysis in the report.

Mr. James R. Clifford, attorney for the applicant, provided detailed testimony in support of the application.

Before the Board took its action, there was extensive discussion among the parties about the interpretation and intent of provision of “child lots” and market lots, the requirement for transferable development rights (TDRs) in this Rural Density Transfer Zone, the forest conservation requirement and, related to that, appropriate conservation easement categories, among other things.

7. **Roundtable Discussion Including Briefings and Worksessions**

**(No public testimony will be taken at this time)**

- A. Commissioners’ Report
- B. Director’s Report
- C. Approval of Minutes

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: (A.) None**

**(B.) Received report from the Director of Planning that focused on a performance based management system, and a briefing on plans related to the Site Plan review process, including implementation of a speaking series; and, related to the Planning Department’s effort, the Director of Parks in the context of her report, noted the Parks Department is looking at urban parks and generally focusing on greater outreach to the community.**

**(C.) Approved as presented Board minutes of January 17 and January 24, 2008.**

10. **Closed Session:**

**A. Pursuant to Annotated Code of Maryland, State government Article, Section 10-508(a)(1) to discuss a personnel matter.**

**B. Pursuant to Annotated Code of Maryland, State government Article, Section 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 - Closed Session minutes.**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**8. Environmental Review of the Intercounty Connector (ICC) – Upper Rock Creek Special Protection Area**

Environmental Review of the ICC segment affecting the Upper Rock Creek Special Protection Area

*Staff Recommendation: Transmit comments to Maryland Department of the Environment and the Maryland Department of Natural Resources.*

**(Public Testimony is limited to two (2) Hours)**

**BOARD ACTION**

**Motion: ROBINSON/BRYANT**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: CRYOR ABSENT**

**Action: Following briefing from Environmental Planning and Transportation Planning Divisions staff and Board discussion, approved staff recommendation to transmit comments to the Maryland Department of the Environment and the Department of Natural Resources, as stated in the attached transmittal letter.**

Environmental Planning and Transportation Planning Divisions staff, with input from representatives of the Montgomery County Department of Public Works and Transportation (DPWT), the State Highway Administration (SHA), and the Department of Permitting Services (DPS) offered a detailed presentation of the February 12 technical staff report, accompanied by a multi-media presentation, which discussed the environmental and water protection measures that the State Highway Administration has proposed as part of the Intercounty Connector (ICC) project.

Mr. Mark Etheridge of DPS participated in the meeting via conference call.

Mr. Daniel O’Leary of the ICC Project Management Office, Mr. Kyle Spendiff, Lead Environmental Scientist, and Mr. Robert Shreeve, Environmental Manager for the ICC at SHA, offered comments.

Parks Development Division staff also offered comments at the Board’s request.

The following speakers offered testimony: Ms. Judy Koenick of Chevy Chase; Ms. Barbara Falcigno of Darnell Drive, representing the Greater Olney Civic Association; Ms. Dolores Milmo of Jones Mill Road and representing the Audubon Naturalist Society; Mr. David O’Leary of Albany Avenue, representing the Sierra Club Maryland Chapter; and Mr. Greg Smith of Birch Avenue, representing Sustainable Montgomery.

**8. Environmental Review of the Intercounty Connector (ICC) – Upper Rock Creek Special Protection Area**

**CONTINUED**

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There followed extensive Board discussion with questions to staff and the various government agencies' representatives.

Chairman Hanson noted that the Planning Board supports the Department of Environmental Protection's recommendations to revise the water quality monitoring program to more closely follow our Special Protection Area (SPA) monitoring requirement.

**9. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – January 2008**

Discussion of proposed amendments to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

*Staff Recommendation: Transmit recommendations to County Council*

**BOARD ACTION**

**Motion:**                    i) ROBINSON/BRYANT  
                                  ii) HANSON/ROBINSON  
                                  iii) BRYANT/ROBINSON

**Vote:**

**Yea:**                    i) 3-0  
                                  ii) 2-0-1  
                                  iii) 2-1

**Nay:**                    iii) HANSON

**Other:**                    i) CRYOR ABSENT  
                                  ii) CRYOR ABSENT, BRYANT ABSTAINED  
                                  iii) CRYOR ABSENT

**Action:**                Approved staff recommendation for approval of the submitted list of water and sewer service area category change requests, with the exception of the following three requests, and as stated in the attached transmittal letter to the County Executive and the County Council, with copy to the Montgomery County Department of Environmental Protection:

- i) WSXXR 07A-CLO-05, Patton Property – Board recommended denial, County Executive recommended approval.**
- ii) WSCCR 07A-OLN-02, Doherty Estates/ First Baptist Church of Wheaton - Board recommended approval, County Executive recommended denial.**
- iii) WSCCR 07A-TVR-10, Travilah Oak LLC & Jan – Board recommended approval, County Executive recommended denial.**

Before the staff presentation, Commissioner Bryant noted that he will abstain from voting for the requests for Bethel World Outreach Ministries (WSCCR 07A-DAM-08), and Doherty Estates/First Baptist Church of Wheaton (WSCCR 07A-OLN-02) because of his involvement with members of these churches.

Countywide Planning Division staff presented a list of water and sewer category change requests, as discussed in the February 14 technical staff report. Staff noted that the Montgomery

**9. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – January 2008**

CONTINUED

County Department of Environmental Protection (MCDEP) staff has submitted the list on behalf of the County Executive, and staff recommends approval with the exception of the Patton Property, Doherty Estates/First Baptist Church of Wheaton, and Travilah Oak LLC & Jan, as discussed in the staff report. Staff added that the Board's recommendations will be transmitted to the County Executive, the County Council, and MCDEP's Director.

At the Board's request, Mr. Alan Soukup representing MCDEP offered comments.

The following speakers offered testimony: Mr. Charles Graefe of Emory Church Road, representing the Southeast Rural Olney Civic Association (SEROCA); Ms. Mary Steele Williams of Lakenheath Way, representing the First Baptist Church of Wheaton; Dr. David Reile of Emory Church Road; Ms. Barbara Faligno of Darnell Drive, representing the Greater Olney Civic Association; Ms. Anne Marie Vassallo representing Saints Constantine & Helen Greek orthodox; Mr. Phil Perrine of Monroe Street, representing the First Baptist Church of Wheaton; Mr. Paul Newman of Wightman Road; Ms. Margaret Puggeda of Piney Meetinghouse Road; Ms. Paula Moutsos of Cottrell Terrace; Mr. Robert Brewer of Lerch, Early, Brewer, Chrt.; Mr. Guy Semmes of Hopkins and Porter; Mr. John Ferguson of Travilah Road; Mr. Marc Schrecergost of Country View Way; Dr. Ed Williams of Georgia Avenue; Ms. Gina Woodward of Mt. Olney Lane; Ms. Rachel Abarca of Lemman Lake Dr.; Dr. Roberto Araujo of Mink Hollow Road; Mr. Robert Goldberg of Dan's Mill Road; Mr. Al Blumberg, engineer representing applicant for the Pullen Property; Mr. Chuck Irish of Century Boulevard; Ms. Clara Bryant of Curtis Place.

There followed an extensive Board discussion with questions to staff and Mr. Soukup.