



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 24, 2011, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:30 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley was necessarily absent.

Items 1 and 2 are reported on the attached agenda.

The Board participated with the members of the Prince George's County Planning Board in an Open Session conference call of The Maryland-National Capital Park and Planning Commission (M-NCPPC). The report of the open session item is included in the M-NCPPC minutes of this date.

The Planning Board continued its meeting, and Item 3 is reported on the attached agenda.

The Board recessed for lunch at 1:37 p.m. and to take up Item 8 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 1:40 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent. The meeting was closed under authority of §10-508(a)(1), State Government Article, Annotated Code of Maryland, 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.

In Closed Session, the Board discussed the performance evaluation process.

The Closed Session was adjourned at 2:23 p.m.

MCPB, 2-24-11, APPROVED

The Board reconvened in the auditorium at 2:30 p.m.

Items 4 through 7 and Items 9 and 10 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:30 p.m. The next regular meeting of the Planning Board will be held Thursday, March 3, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 24, 2011, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

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**

1. Subdivision Plat No. 220080640 - 220080660, Greenway Village - PD-4 zone; 30 lots, 18 parcels; located on the south side of Little Seneca Parkway at the intersection of Sweetspire Drive; Clarksburg.
Staff Recommendation: Approval

2. Subdivision Plat No. 220110500, Brookmont - R-60 zone; 2 lots; located on the east side of Broad Street, 150 feet north of Maryland Avenue; Bethesda-Chevy Chase.
Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the Record Plats cited above.

***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 January 13, 2011

BOARD ACTION

Motion: **WELLS-HARLEY/ALFANDRE**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved Minutes of January 13, 2011, as presented.**

2. Worksession - White Flint Staging and Implementation Legislation

Staff Recommendation: Discuss Proposed Changes to Chapter 8 and Subdivision Staging Policy

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

Planning Department staff discussed the proposed changes to the Subdivision Staging Policy, formerly known as the Growth Policy, which are necessary to manage staging under the White Flint Sector Plan. Staff noted that all proposed changes will be part of a new “alternative review procedure” that would apply to all new development within the White Flint Policy Area. Staff has met with several stakeholders to discuss the proposed changes and has distributed a red-line document to the Board that reflects the consensus reached with the stakeholders. Staff added that the proposed amendments are scheduled to be approved by the Planning Board at the March 3 meeting for transmittal to the County Council.

At the Board’s request, Mr. Steve Kaufman and Ms. Barbara Sears, attorneys, offered comments.

MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION BY CONFERENCE CALL - ADDITION

Recommendation: Adopt M-NCPPC Resolution # 11-02, Banking for the Administration of Health Benefits Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: The Motion, Vote, and Action will be reported in the Minutes of The Maryland-National Capital Park and Planning Commission.

3. Public Hearing Draft of the Wheaton CBD and Vicinity Sector Plan – Worksession #6 – Land Use and Zoning and Urban Design Guidelines

Staff Recommendation: Review Staff Recommendations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

In keeping with the February 17 technical staff report, Planning Department staff offered a multi-media presentation of the Wheaton Central Business District (CBD) and Vicinity Sector Plan. Staff noted that this is a continuation of the discussion on land use and zoning – districts and parcel specific issues, and urban design guidelines started last Thursday. Staff discussed the Kensington View/Wheaton Hills Block S, the Lindsay Property along East Avenue and noted that the proposal is to retain the R-60 zone for lots 12 and 13 and the CRN zone for lots 7, 9, 10, and 11. Staff also added that the community requested that the current R-6 and C-T zones be retained as well.

The following speakers offered testimony: Ms. Anne Marie Vassallo, attorney from Shulman Rogers; Chris Lindsay, owner of Lindsay Ford on Veirs Mill Road; Ms. Judy Higgins of Midvale Road and representing the Kensington View Civic Association; Ms. Virginia Sheard of Geiger Avenue; Mr. Jody Kline, attorney from Miller, Miller, and Canby; Ms. Diane Lynne of Glenhaven Place and President of the Wheaton Forest Civic Association; Mr. Jim Agliata and Ms. Elsie Reid representing Westfield Shopping Mall; and Ms. Donna Savage of McComas Court and representing the Kensington Heights Civic Association Land use Committee.

At the Board’s request, Mr. Robert Kline, representing the County Executive’s office, offered comments.

There followed extensive Board discussion of several issues related to the urban design guidelines being part of the Sector Plan or part of an independent report to allow flexibility.

Commissioner Dreyfuss noted that staff may get a better plan by having the urban design guidelines done as a separate report, which will not require amendment to the Sector Plan or the Master Plan.

8. Closed Session - ADDITION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

**10. Discussion with Staff - Administrative Format of Staff Reports - ADDITION
(Third Floor Conference Room)**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing by Planning Department staff followed by discussion.

4. Sligo Creek Stream Valley Park, Unit 4

Authorization to acquire 2.07 acres, more or less, improved, located at 1300 Wheaton Lane, Silver Spring, Maryland 20902, from Kim L. Smith-Edwards, et al, as Legacy Open Space, Urban Open Space Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to authorize acquisition of 2.07 acres of parkland for Sligo Creek Stream Valley Park, and adopted Resolution MCPB 11-14.

Parks Department staff presented highlights of the request to acquire 2.07 acres, more or less improved, located on Wheaton Lane in Silver Spring, Maryland, from Kim L. Smith, et al, as Legacy Open Space.

There followed a brief Board discussion and questions to staff.

5. 2012 Park, Recreation, and Open Space (PROS) Plan Update -- Work Program

This item will present the work program for the 2012 Park, Recreation, and Open Space (PROS) Plan Update. It must be completed in conformance with Maryland State Guidelines for Land, Preservation, Parks, and Recreation Plans (LPPRP). It will be informed by the on-going Vision 2030 Strategic Plan for Parks and Recreation in Montgomery County, to become the 2012 Parks, Recreation, and Open Space (PROS) Master Plan.

Staff Recommendation: Approval of Work Program

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Received briefing and approved 2012 Park, Recreation, and Open Space (PROS) Work Program.

Parks Department staff offered a multi-media presentation of the 2012 Park, Recreation, and Open Space (PROS) Plan Update Work Program. Staff noted that the work program must be completed in conformance with Maryland State Guidelines for Land Preservation, Parks, and Recreation Plans (LPPRP).

6. Roundtable Discussion - REVISED

A. Parks Director's Report

B. Briefing City of Rockville, MD 355 Corridor Plan - **POSTPONED**

C. Legislative Update - **ADDITION**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings as stated below.

A. Parks Director's Report - Parks Department Director Mary Bradford reported on an earlier meeting with the County's budget office regarding the proposed FY12 budget. Ms. Bradford reported on lease and fee changes anticipated for cell towers on parkland, and also reported on the various activities going on in the Parks Department.

B. Briefing - City of Rockville, MD 355 Corridor Plan – POSTPONED

C. Legislative Update – Received briefing from Legal staff followed by discussion and questions to staff regarding pending legislation related to proposed House Bill 906 related to the Marilyn J. Praisner Safe and Earth-Friendly Roadway Act, and House Bill 909/Senate Bill 545 related to legal notice requirements – posting on Web sites.

7. City of Gaithersburg Land Use Plan (An Element of the 2009 Master Plan)

Staff Recommendation: Approval to Transmit Comments to the City of Gaithersburg Mayor, City Council and Planning Commission as Part of the Public Hearing Record

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to transmit comments to the City of Gaithersburg Mayor, the City Council, and the City Planning Commission as part of the Public Hearing record.

In keeping with the February 15 technical staff report, Planning Department staff discussed the City of Gaithersburg land use plan. Staff noted that the update identifies 39 areas for land use and zoning modification. Staff discussed the following areas: Londoderry, Rosemont and Walnut Hill, McGown Property in the Great Seneca Science Corridor Master Plan; Great Indoors Site, and the Casey Property in the Shady Grove Sector Plan; North Potomac Properties, and Lakeforest Mall and adjacent properties in the Potomac Subregion Master Plan

Mr. Bob Dalrymple, attorney representing Sears Holdings Inc. offered testimony.

9. Briefing on WSSC Proposed Changes to Pipeline Design Guidelines - ADDITION

Staff Recommendation: Transmit Comments to WSSC

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and by consensus approved staff recommendation to transmit comments to Washington Suburban Sanitary Commission, as stated in the attached transmittal letter.

In keeping with the February 16 and 24 technical staff reports, Planning Department and Parks Department staff offered a multi-media presentation of the proposed change to the pipeline design guidelines by the Washington Suburban Sanitary Commission (WSSC). Staff noted that there is significant danger from the amount and the velocity of the water that escapes from these pipes when they rupture.

The following speakers offered testimony: Ms. Annette Rosenblum and Mr. Mike Bingley of Elton Road and representing the Maryland-National Capital Building Industry Association; Mr. Bob Harris, attorney; Mr. Steven Robbins, attorney representing JBG Companies; Ms. Hilary Alland Goldfarb of Frederick Road and representing Pro-Mark Real Estate/North Bethesda Gateway; and Mr. Joe Lynott of North Washington Street and representing Rickman Travilah LLC.

At the Board's request, Ms. Laura Swisher and Mr. Gary Gumm of WSSC offered comments.