



**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, March 6, 2008, at 9:06 a.m., in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:40 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioner Allison Bryant. Commissioner Jean Cryor was necessarily absent.

Preceding the Planning Board meeting, the full Commission met via teleconference at 9:00 a.m., to take up Item 14, "Authorizing Resolution, Series KK-2 Refunding Bonds." The Commissioners in attendance and action taken are reported in Full Commission minutes, on file in the Executive Director's Office.

Items 1 through 7 are reported on the attached agenda.

Item 8, a Closed Session followed the morning regular 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 1:20 p.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 Section 10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present were Associate General Counsel Carol Rubin of the Legal Department; Khalid Afzal, Cathy Conlon, and Dan Hardy of the Department of Planning; Deputy Director Michael F. Riley and Bill Gries of the Department of Parks; and Ann Daly of the Commissioners' Office.

In Closed Session, the Board considered a conveyance of parkland to the State Highway Administration and a separate property acquisition for right-of-way, in preparation for action during the open meeting.

The Closed Session was adjourned at 2:00 p.m. and the Board reconvened in open session in the third floor conference room.

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The Board reconvened in the auditorium at 2:10 p.m.

Items 9 through 13 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:40 p.m. The next regular meeting of the Planning Board will be held Thursday, March 13, 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, March 6, 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) Site Plan No. 82006013A, The Galaxy, ADOPTION OF RESOLUTION No. 08-25
- ii) Preliminary Plan Amendment No. 12005089A, The Galaxy, ADOPTION OF RESOLUTION No. 08-29
- iii) Project Plan Amendment No. 92005005A, The Galaxy, ADOPTION OF RESOLUTION No. 08-31
- iv) Preliminary Plan No. 120070600, Pollekoff Property, ADOPTION OF RESOLUTION No. 08-40
- v) Preliminary Plan No. 120050740, Hilltop Farm, ADOPTION OF RESOLUTION No. 08-10

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

- vi) Pre-Preliminary Plan No. 719980210, Kiplinger Property, ADOPTION OF CORRECTED RESOLUTION No. 07-165 \*\*

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

**BOARD ACTION**

**Motion:** (A.)BRYANT/ROBINSON  
(B.) BRYANT/ROBINSON

**Vote:**

**Yea:** (A.) 3-0  
(B.) 3-0

**Nay:**

**Other:** CRYOR ABSENT

**Action:** (A.) Adopted the Resolutions listed in Group A above.  
(B.) Adopted the Resolutions listed in Group B above.

2. **Record Plats**

**Subdivision Plat No. 220081140, Goodwill**

R-60 zone; 2 lots; located on the south side of Cedar Croft Drive, approximately 150 feet west of Cedar Croft Lane; Bethesda-Chevy Chase. *Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** CRYOR ABSENT

**Action:** Approved staff recommendation for approval.

3. **Consent Items**

**BOARD ACTION**

**Motion:**

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**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** No items presented for action.

**14. Full Commission: Authorizing Resolution, Series KK-2 Refunding Bonds -**

Conference call with Full Commission. *Staff recommendation: Approval*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** The Montgomery County and Prince George's County Planning Boards met via teleconference as the Full Commission, preceding their regular Thursday meetings. This meeting and the Commission's action are reported in Commission minutes, which are retained in the Office of the Executive Director.

**4. Abandonment Case AB 702- Reed Street**

Request to abandon a portion of Reed Street, Council Resolution No. 17-07, Miller's Second Addition to Bethesda Subdivision, Bethesda Central Business District Sector Plan Area and Bethesda Central Business District Policy Area (associated with Project Plan No. 920070070 and Preliminary Plan No. 120070200 Woodmont East Phase II.) *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ROBINSON/BRYANT

**Vote:**

**Yea:** 3-0

**Nay:**

**Other: CRYOR ABSENT**

**Action: Approved staff recommendation for approval, subject to conditions, as stated in the attached transmittal letter to the Department of Public Works and Transportation (DPWT).**

See also Items 5A and 5B.

Planning Department staff presented highlights of the February 20 technical staff report in order to receive and transmit Board comments to the Department of Public Works and Transportation (DPWT) on a proposed abandonment of a portion of Reed Street. This abandonment is associated with Items 5A and 5B on the Board’s agenda.

**5. Project Plan Review No. 920070070, Woodmont East – Phase II (Miller’s Addition to Bethesda) and Preliminary Plan No. 120070200, Woodmont East - Phase II**

**A. Project Plan Review No. 920070070, Woodmont East-Phase II**

CBD-2 zone; 2.48 acres; 36,300 gross square feet retail, 78,300 gross square feet office, 304,135 gross square feet residential, 121,090 gross square feet hotel including 32 MPDUs; located on Woodmont Avenue northeast of Bethesda Avenue; Bethesda/Chevy Chase. *Staff recommendation: Approval with conditions*

**B. Preliminary Plan No. 120070200, Woodmont East-Phase II**

CBD-2 zone; 2.22 acres; 1 lot requested; a maximum of 250 multi-family dwelling units, including 12.5% moderately priced dwelling units (MPDUs), a 225-room hotel, 40,350 square feet of general retail use, and 78,300 square feet of general office use; located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue; Bethesda Central Business District; Staff Recommendation: Approval with conditions. *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: (A.) BRYANT/ROBINSON  
(B.) BRYANT/ROBINSON**

**Vote:**

**Yea: (A.) 3-0  
(B.) 3-0**

**Nay:**

**Other: CRYOR ABSENT**

**Action: (A.) Approved staff recommendation for approval of the Project Plan, subject to conditions as stated in the attached Board Resolution.**

**(B.) Approved staff recommendation for approval of the Preliminary Plan, subject to conditions as modified and reflected in the attached Board Resolution.**

**See also Item 4.**

Development Review Division staff presented highlights of its February 25 technical staff report on this revised plan, developed after meetings with various community groups, representatives and staff. The application was deferred November 8, 2007, at the request of the applicant in order to consider the Board's concerns and public testimony expressed at that hearing about design issues, the loss of green area, and the functioning of the Georgetown Branch Trail.

**5. Project Plan Review No. 920070070, Woodmont East – Phase II (Miller's Addition to Bethesda) and Preliminary Plan No. 120070200, Woodmont East - Phase II**

The Board received additional information on these topics, vehicular and pedestrian patterns and connections, especially related to the trail, pavement, signage for the pedestrian/bicycle traffic, and the location of a pedestrian/bicycle traffic crossing, specifically whether it should be located at the Bethesda Avenue/Woodmont Avenue intersection or aligned with the Capital Crescent Trail.

Ms. Pat Harris, attorney with Holland & Knight, testified on behalf of the JBG Companies and Federal Realty Investment Trust, the applicants, and introduced others representing the applicant. Ms. Lisa E. Delplace, landscape architect and Mr. Robert Sponseller, the architect, also testified. Ms. Harris accepted the recommended conditions with one minor modification, seeking a 12-year validity period.

Offering testimony were Ms. Pat Burda, Chair of the Long-Range Planning Committee, who, at the request of Mayor Linna Barnes and the Town Council, represented the Town of Chevy Chase; Ms. Pam Browning of Elm Street; Ms. Pat Baptiste, representing the Coalition for the Capital Crescent Trail; Mr. Jim Humphrey, representing Montgomery County Civic Federation; Mr. David Lubin of Thornapple Street, read by Ms. Pat Burda; Mr. Ben Ross, representing the Action Committee for Transit; Ms. Maureen Jais-Mick, representing the Edgemoor Citizens Association; Mr. David Salzman of Elm Street; Mr. Robert B. Smythe of Wellington Drive, representing the 60- single-family homes that constitute the George P. Sacks residential subdivision; Mr. Jon Weintraub of Montgomery Lane, representing the Bethesda Civic Coalition; and Ms. Celesta Jurkovich, representing the Chevy Chase West Neighborhood.

Ms. Harris presented rebuttal testimony.

Chairman Hanson, in voting for the motion, stated the applicant has done a good job in responding to issues raised at the earlier hearing on this matter, noting the public realm is addressed in the provisions and the public space is well located. Numerous points raised in testimony can be addressed, he noted, during the Site Plan Review process.

Chairman Hanson also said he would write the Department of Public Works and Transportation (DPWT) to urge that it look at the problem of direct pedestrian access across Woodmont Avenue.

**6. Extension Request: Project Plan 920070100 – 8700 Georgia Avenue**

Extension Request for the Review Period for Project Plan No. 920070100 , 8700 Georgia Avenue, CBD-2 Zone; 0.526 acres; 7,980 gross square feet of retail, 21,540 gross square feet of residential, including 106 multi-family dwelling units, including 16 MPDUs; located on the northwest quadrant of the intersection with Georgia Avenue and Cameron Street; Silver Spring.

*Staff recommendation: Approval of the extension request*

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other:**               **CRYOR ABSENT**

**Action:**       **Approved staff recommendation for approval to extend the review period for this Project Plan up to an additional 90 days, until no later than May 29, 2008, to allow coordination among Planning Department staff, the Historic Preservation Commission, and the applicant, pending a decision of Historic Preservation Commission.**

7.    Preliminary Plan No. 120070620 – Commerce Bank, Nicholson Lane  
(Deferred from October 18, 2007 Planning Board Hearing)

C-2 Zone; 0.75 acres; 1 lot requested; 3,400 square foot bank with up to three (3) drive-through aisles; located in the Southwest quadrant of the intersection of Nicholson Lane and Huff Court, 600 feet east of Rockville Pike (MD-355); North Bethesda/Garrett Park.

*Staff recommendation: Denial*

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other:**               **CRYOR ABSENT**

**Action:**       **Denied the Preliminary Plan as presented for the reasons stated in the technical staff report and articulated in discussion, as reflected in the attached Board Resolution.**

Development Review Division staff presented highlights of the February 11, 2008, technical staff report on this proposal, deferred from an October 18, 2007, hearing, to remove an existing structure on two parts of lots that will be combined into one lot in order to construct a 3,327 square foot bank building with three drive-through aisles. The proposal sites the building in the middle of the property, with parking on the northern, eastern, and western sides. The

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Board at the October 2007 hearing, staff noted, deferred the application stating concern about the suburban character of the layout rather than an urban environment, as envisioned by the White Flint Sector Plan. Staff concludes that the application does not substantially conform to the White Flint Sector Plan and recommends denial.

Community-Based Planning staff reiterated its view that it is critical to encourage an urban orientation in light of the White Flint Sector Plan and the desirable trend toward urban-type developments.

Mr. Jody Kline, attorney for the applicant, reiterated points in letters submitted prior to the hearing and sought approval.

## 8. Closed Session

**A. Parkland Transfer - InterCounty Connector:** Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) to consider disposition of real property for a public purpose - Convey Parkland to State Highway Administration of the Maryland Department of Transportation as Right-of-Way and as Temporary Construction Area for the InterCounty Connector

**B. Road Right-of-Way Acquisition:** Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose – Homecrest Road/Bel Pre Road Area Right-of-Way

## BOARD ACTION

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

## 9. Parkland Transfer – InterCounty Connector

Authorization to Convey 37.27 acres of parkland in Fee Simple and 6.29 acres of parkland in Temporary Easements to the State Highway Administration of the Maryland Department of Transportation as Right-of-Way and as Temporary Construction Area for the InterCounty Connector.

*Staff recommendation: Approval* [Public Testimony is limited to one (1) hour]



**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** CRYOR ABSENT

**Action:** Approved staff recommendation for approval.

In keeping with the February 26 technical staff report, Parks Department staff presented the request to convey 37.27 acres of parkland in fee simple, and 6.29 acres of parkland in temporary easements to the State Highway Administration of the Maryland Department of Transportation as right-of-way and as temporary construction area for the InterCounty Connector. Staff noted that this request will also be discussed at the next Full Commission meeting on March 19.

In reply to a question from Chairman Hanson, staff noted that a total of 217 acres of land has been transferred to the County for the InterCounty Connector as of today.

The following speakers offered testimony: Ms. Sarah Leshner of Hedin Drive; Ms. Anne Ambler of Kiehl Road representing the Sierra Club and Neighbors of the NorthWest Branch; and Mr. Greg Smith of Birch Avenue and representing Sustainable Montgomery.

**13. Road Right-of-Way Acquisition - Homecrest Road/Bel Pre Road**

Authorization to acquire 17,500 square feet (0.40 acres), more or less, unimproved, with Advance Land Acquisition Revolving Funds (ALARF), from Wheaton Moose Lodge #1775, Loyal Order of Moose, Inc., located at 2901 Bel Pre Road, Silver Spring, Maryland 20906.

*Staff recommendation: Approval*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 2-1-0

**Nay:** HANSON

**Other:** CRYOR ABSENT

**Action:** Approved staff recommendation for approval.

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Parks Department staff presented the request to acquire 17,500 square feet or 0.40 acres of land, more or less unimproved, with Advance Land Acquisition Revolving Fund (ALARF) from Wheaton Moose Lodge # 1775, Loyal Order of Moose, Inc. located on Bel Pre Road in Silver Spring, Maryland. Staff discussed the proposed request in detail, in keeping with the February 26 technical staff report. Staff also noted that this is a master plan acquisition, and there will be secondary environmental benefits. Staff also added that this item is scheduled to go to the County Council for approval.

Chairman Hanson dissented stating that it is premature to authorize this request as he believes the right-of-way should be dedicated by a private developer.

**10. Development Plan Amendment No. DPA-05-1, Skylark Investments**

Clarksburg Skylark, LLC and Clarksburg Village Investments, applicant, requests an amendment to the approved development plan for a 100 unit elderly housing building; PD-4 Zone; located at property known as Greenway Village and Aurora Hills bounded by Newcut Road, Skylark Road and Ridge Road in Clarksburg.

*Staff Recommendation: Approval*

(Action required for hearing by the Hearing Examiner on 3/14/08)

**BOARD ACTION**

**Motion: BRYANT/ROBINSON**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: CRYOR ABSENT**

**Action: Approved staff recommendation for approval, as stated in the attached transmittal letter to the County Council.**

**A VERBATIM TRANSCRIPT OF THIS ITEM IS ON FILE IN THE RECORDS MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.**

**11. Montgomery County Planning Board Public Hearing, Worksession and Action on Amendment to the Master Plan for Historic Preservation**

Worksession and Action on Amendment to the Master Plan for Historic Preservation: Individual Resources Amendment.

*Staff recommendation: Recommend designation of five resources. Do not recommend designation of two resources.*

**BOARD ACTION**

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

**Vote:**  
**Yea:**                    i) **3-0**  
                                  ii) **3-0**  
                                  iii) **3-0**

**Nay:**

**Other:**                **CRYOR ABSENT**

**Action:**                **Approved staff recommendation to recommend to the County Council that the following resources not be designated on the Master Plan for Historic Preservation:**

- i) Watson House; and**
- ii) Germantown Presbyterian Church**

**Approved staff recommendation to recommend to the County Council that the following resources be designated on the Master Plan for Historic Preservation:**

- iii) B&O Culverts and Railroad Bed; Little Seneca Viaduct; Burton Log House; Susan B. Chase House; and Seymour Krieger House.**

In keeping with the February 26 technical staff report, Historic Preservation Division staff offered a detailed presentation accompanied by a multi-media presentation.

The following speakers offered testimony in favor of the Watson House nomination: Mr. David Brown of Jefferson Street and representing the Committee to Save the Watson House; Ms. Laura Trieschmann of Fifth Street, member of the Committee to Save the Watson House/Traceries; Ms. Judith Christensen of Walker Avenue; Mr. Stuart Armstrong of Harvey Road; Mr. Robert Vann of Harvey Road; Ms. Sharyn Bowman Greberman of Dale Drive; Ms. Loetta Vann of Harvard Road; Ms. Nancy Webber of Flower Avenue; Ms. Mary Reardon of Washington Avenue representing the Silver Spring Historical Society; Ms. Kathleen Staudt of Greyrock Road; Mr. James Cassell of Watson Road; Mr. Wayne Goldstein of Jennings Road representing Montgomery Preservation, Inc.

**11. Montgomery County Planning Board Public Hearing, Worksession and Action on Amendment to the Master Plan for Historic Preservation**

The following speakers offered testimony in favor of denial of the Watson House nomination: Mr. Timothy Duffy representing the Historic Preservation Commission; Mr. Stuart Barr attorney representing the property owner; Mr. George Kousoulas of Connecticut Avenue architect representing the property owner; and Mr. David Rotenstein of the Montgomery County Historic Preservation Committee.

The following speakers offered testimony in favor of the Germantown Presbyterian Church nomination: Ms. Susan Soderberg representing the Germantown Historical Society; Mr. Phil Perinne of Montrose Street representing the owner of the property; and Ms. Kathie Hulley of

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Diller Lane and member of the Germantown Historical Society.

There followed considerable Board discussion, with questions to staff.

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

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

A. Commissioners' Reports

B. Director's Report

C. Approval of Minutes

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** A. **Commissioners' Reports:** None

B. **Director's Report:** Patti Barney, the Commission Secretary-Treasurer, briefed the Board on behalf of the Parks Department Director who was necessarily absent, on revenue tax sharing for stream valley parks and regional parks followed by Board questions and discussion.

Commissioner Bryant recommended that staff discuss the possibility of getting tax revenues from the stream valley parks in Rockville.

C. **Approval of Minutes:** Approved Minutes of February 7, 2008, as presented.