



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, May 5, 2011, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:00 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 11:05 a.m. for lunch and to take up Items 11 and 12 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 12:40 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Dreyfuss present and voting in favor of the motion, and with Commissioners Alfandre and Presley 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 State Government Article §10-508(a)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Executive Director Patti Barney; Director Rollin Stanley and Alison Davis of the Planning Department; Director May Bradford and Deputy Directors Michael Riley and Gene Giddens of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing from the Commission's Executive Director regarding the proposed Central Administrative Services non-recommended reductions schedule, and from Planning and Parks Departments Directors regarding revised furlough repayment negotiations with MCGEO.

The Closed Session was adjourned at 1:20 p.m.

The Board reconvened in the auditorium 1:35 p.m.

Items 8 and 9 are reported on the attached agenda.

Items 7 and 10 were postponed.

There being no further business, the meeting was adjourned at 4:00 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 12, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 5, 2011
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. 220110780, Great Falls Estates: RE-2 zone, 2 lots; located on the north side of Skipwith Lane, approximately 1,100 feet west of Belmart Drive; Potomac Subregion.

Staff Recommendation: Approval

BOARD ACTION

Motion: **DREYFUSS/WELLS-HARLEY**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

Action: **Approved Record Plat 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 April 7, 2011

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

Action: **Approved Planning Board Meeting Minutes of April 7, 2011, as submitted.**

2. Recognition of Commission Employees for Years of Service

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Recognized Commission Employees for their years of service.**

3. Public Hearing and Action: Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area to allow an exception to the Retail Staging Provisions

Staff Recommendation: Approve the Public Hearing Draft as the Planning Board Draft and Transmit to the County Council and County Executive

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

Action: Approved staff recommendation to approve the Public Hearing Draft as the Planning Board Draft to be transmitted to the County Council and the County Executive.

In keeping with the April 27 technical staff report, Planning Department staff briefed the Board on the proposed Clarksburg Master Plan amendment. Staff noted that the retail/ commercial development in the Newcut Road and Cabin Branch neighborhoods will be deferred until 90,000 square feet of retail uses have been established with an approved Preliminary Plan in Clarksburg. Staff also noted that the Master Plan put significant focus on the Town Center as a major component of the entire plan; it is not only a village center, it is a primary and integral vision of the planning area. The Master Plan references 3,500 to 4,000 dwelling units for the retail center with a grocery store, and as of today the threshold for retail has been exceeded. Staff has received numerous letters from the community and there is growing frustration regarding the lack of the retail promised, and strong support for the proposed amendment.

Mr. Bob Harris, attorney representing the Elm Street Village Development Group, and Ms. Bridget Faraci of Turtle Rock Terrace, offered testimony.

4. White Flint Staging & Implementation Guidelines—Transportation Approval Mechanism

Staff Recommendation: Discuss Chapter 3 of White Flint Staging & Implementation Guidelines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

In keeping with the April 27 technical staff report, Planning Department staff noted that the purpose of this worksession is to finalize the Board's comments made during the April 14 worksession on Chapter 3 of the White Flint Staging and Implementation Guidelines related to the transportation approval mechanism. Staff noted that several minor edits were proposed by the Board to clarify the language but two issues remain outstanding. The first issue was whether charging an application fee would require additional legal authorization or whether it could be adopted by the Planning Board in a resolution. The second issue was whether a staging allocation request, as recommended by staff, should be placed in a queue if the entire amount of capacity requested cannot be accommodated within the staging limits. The Board had voted three to two at a previous worksession to accept staff recommendation on the second issue, and staff wanted to confirm that the Board's position had not changed.

There followed extensive Board discussion with questions to staff.

5. Preliminary Plan No. 120100310: Mess Property

One, 5.0-acre lot with a 199 acre farm remainder requested; located at 18420 Brooke Grove Road, east side of Old Baltimore Road opposite intersection with Spartan Road; 203.75 acres, RNC zone; Olney Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

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

In keeping with the April 22 technical staff report, Planning Department staff presented the request to create one 5.0-acre lot on a 293.75-acre farm. Staff noted that the property is located on Brooke Grove Road, east of Old Baltimore Road in the Olney Master Plan area. Staff also noted that the single 5-acre lot will be platted and the remainder of the farm will remain as a farm with an off-site conservation easement. Staff discussed the septic requirements for the project and noted that this project is grandfathered. Staff also added that since no new development is proposed on the farm, and the forest conservation plan calls for the removal of an existing shed located in the buffer, staff supports the 25 feet encroachment into the buffer. Staff also noted that the proposed project meets the Master Plan requirements and meets the forest conservation guidelines.

Mr. John Maisel, engineer representing the applicant, offered brief comments and concurred with the staff recommendation.

6. Special Protection Area (SPA) Water Quality Plan

Removal of Impervious Surfaces on Parcel N817, Grauel's Addition to Spencerville (2381 Spencerville Road, Burtonsville), M-NCPPC Parkland in Upper Paint Branch

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

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

Planning Department staff discussed the water quality plan for the 0.46-acre property located in the Upper Paint Branch Special Protection Area on the south side of Route 198. Staff noted that the property is owned by the Parks Department and a house built in 1965 with a driveway is on the site and will be demolished as of July 1. Staff further added that there are no forests, streams, wetlands, 100-year floodplains, or associated environmental buffers on or adjacent to the property. Staff is recommending removal of impervious surfaces subject to the conditions mentioned in the April 15 technical staff report.

Parks Department staff offered comments and noted that following demolition of the house and driveway, a plan will be submitted to the Planning Board for approval.

There followed a brief Board discussion with questions to staff.

11. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. 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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Great Seneca Science Corridor Staging Guidelines

Staff Recommendation: Discussion of Preliminary GSSC Staging Guidelines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff noted that the purpose of this meeting is to respond to the Planning Board' comments received at the March 10 Planning Board meeting on the staging plan for the Life Sciences Center area of the Great Seneca Science Corridor (GSSC) Master Plan, and to seek input from the Board for preparation of the Great Seneca Science Corridor Implementation Guidelines. Staff further added that the Planning Board preliminary recommendations will be used to prepare a formal set

of implementation guidelines for the GSSC, and will return with draft guidelines for the Board's review on June 2.

9. Preliminary Plan No. 120110110: Willerburn Acres (Resubdivision)

Two lots requested for two single family detached dwellings; located on the east side of Gainsborough Road, 400 feet southwest of Whistler court; R-90 zone; 1.91 acres; Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

Action: Approved staff recommendation for approval, subject to conditions discussed at the meeting, and as stated in the attached Board Resolution.

In keeping with the April 22 technical report, Planning Department staff presented the request to create two lots for two single family detached dwelling units on a 1.91-acre property located on the east side of Gainsborough Road in the Potomac Subregion Master Plan. Staff discussed the compatibility of the proposed request with the existing neighborhood. Staff noted that the lots meet the subdivision regulations and staff recommends approval of the proposed request with the conditions specified in the staff report.

Mr. Joav Steinbach, the applicant, discussed the proposed request, and concurred with the staff recommendation.

The following speakers offered testimony: Mr. Albert Arking representing the Gainsborough Homeowners Association; Ms. Alice Miller of Gainsborough Road; Ms. Sue Halpern of Gainsborough Road; Mr. Mark Arking of Gainsborough Road; Mr. Stanley Miller of Gainsborough Road; Ms. Rena Rikki Lewin of Gainsborough Road; Ms. Norma Perna of Gainsborough Road; Ms. Tom Lewis of Gainsborough Road.

There followed a brief Board discussion with questions to staff and the applicant.

10. Site Plan No. 81999001F: Panera Bread Restaurant in the Germantown Town Center - POSTPONED

Century Boulevard near Crystal Rock Drive, TS zone, 0.11 acres, Parcel D, 5,097 square feet (including 800 square feet for outdoor sitting) - This building was previously approved for 5,100 square feet. Master Plan for the Germantown Employment Corridor

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

- 7. Roundtable Discussion - POSTPONED**
- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.