



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 24, 2012, at 10:01 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:15 p.m.

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

Prior to the meeting, the Board participated with the members of the Prince George's County Planning Board, via conference call, in a Closed Session meeting of The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the third floor conference room, which was convened at 9:19 a.m. and adjourned at 9:49 a.m., followed by an open session meeting, which was adjourned at 9:53 a.m. The official citation and open session report of the Closed Session meeting and the report of open session actions are included in the M-NCPPC minutes.

Items 1 through 4 are reported on the attached agenda. Item 5 was postponed.

The Board recessed at 12:43 p.m. for lunch, to take up Item 6 in Closed Session, and to meet with a Planning Department writing consultant.

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 1:16 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §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 Counsel Derrick Rogers of the Legal Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, Bill Gries, and April O'Neale of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed a proposed land acquisition.

The Closed Session was adjourned at 2:10 p.m.

The Board reconvened in the auditorium at 2:45 p.m.

Items 7 and 9 are reported on the attached agenda. Item 8 was postponed.

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 a second Closed Session at 3:11 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 Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels David Lieb and Carol Rubin, and Jess Robinson of the Legal Department; Interim Director Rose Krasnow, John Carter, Ron Cashion, and Robert Kronenberg of the Planning Department; Ellyn Dye of the Commissioners' Office; and former Planning Board Chairman Royce Hanson.

In Closed Session, the Board received advice of counsel and voted to approve the staff recommendation to deny a request for a second administrative hearing on a violation of the Forest Conservation Law (Montgomery County Planning Department v. Golozar (A & K) Kaviani). In a separate item, the Board received advice of counsel and consulted former Planning Board Chairman Royce Hanson on issues related to the Clarksburg Town Center, including violations, the plan of compliance, the certified site plan, and obligations for infrastructure.

The Closed Session was adjourned at 5:15 p.m.

There being no further business, the meeting was adjourned at 5:15 p.m. The next regular meeting of the Planning Board will be held Thursday, May 31, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 24, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

**MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION - BY CONFERENCE CALL - (THIRD FLOOR CONFERENCE ROOM)**

Closed Session

Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a)(7)(8) & (9), this session is closed to consult with counsel for legal advice, conduct collective bargaining discussions, and/or consider matters that relate to negotiations.

M-NCPPC ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See official citation and open session report in the minutes of The Maryland-National Capital Park and Planning Commission.

Open Session - To ratify the FOP Collective Bargaining Agreement

MNCPPC ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: See report of action in the minutes of The Maryland-National Capital Park and Planning Commission.

PLANNING BOARD MEETING - MRO AUDITORIUM

***A. Adoption of Resolutions**

1. Hollywood Branch Stream Forest Conservation Plan MR2010006 – MCPB No. 11-118
2. National Park Seminary-WSSC Site 5-11 Stream Channel Rehabilitation – MCPB No. 12-54

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Adopted the Resolutions cited above, with distributed revisions.**

***B. Record Plats**

Subdivision Plat No. 220120200, Brookefield; RE-1 zone, 1 lot; located on the east side of Woodfield Road (MD 124), 800 feet north of Cypress Hill Drive; Upper Rock Creek Master Plan.

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved the Record Plat as stated 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 12, 2012

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved the minutes of April 12, 2012, as presented.**

2. Public Hearing: 2012 Park, Recreation, and Open Space (PROS) Plan

Receive testimony on future needs for Recreation and Parks, Natural Resource Conservation, Historic and Cultural Resources Preservation and Agricultural Land Preservation.

Staff Recommendation: Hold Public Hearing. Hold Public Record Open for One Week Following the Hearing until May 31, 2012

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Heard testimony and received evidence submitted into the record.**

The following speakers offered testimony: Ms. Laura Mol of Silver Spring; Mr. Joe Fritsch, representing Mid-Atlantic Off Road Enthusiasts (MORE); Ms. Dolores Milmo, representing the Audubon Naturalist Society and the Montgomery Countryside Alliance; Mr. Ron Welke, representing the Mid-Atlantic Volleyball Club; Ms. Natalie Goldberg of Kensington; and Ms. Ginny Barnes, representing Conservation Montgomery.

Mr. Gabriel Albornoz, Director, County Department of Recreation, was also present and offered comments.

Parks Department staff noted that the record will remain open until May 31, 2012, and Planning Board worksessions are scheduled on June 28 and July 19, 2012.

3. **Roundtable Discussion**

A. Parks Director's Report

B. Operating Funds Nine Month Financial Report Including Projections to June 30, 2012.

C. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2012.

E. Group Insurance Funds Projects

D. Follow up of Schools Test Methodology Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefings and discussed.**

A. Parks Director's Report—Director of Parks Mary Bradford presented the Director's report, highlighting recent and upcoming events and activities, in keeping with the distributed written report.

Ms. Bradford noted several upcoming events, such as the FEMA National Dam Safety Awareness Event being held at Lake Needwood and the community celebration for the renovated Takoma-Piney Branch Local Park, featuring former NBA All-Star and Takoma Park native Steve Francis, who contributed to the renovation. Ms. Bradford also noted that the Montgomery Park Police Mounted Unit assisted with security at the recent G-8 Summit at Camp David, and she thanked the 245 volunteers from Marriott Corporation who participated in the 10th annual “Spirit to Serve Day” park cleanup activities.

B. Operating Funds Nine Month Financial Report Including Projections to June 30, 2012—Secretary-Treasurer Joe Zimmerman briefed the Board on the nine month financial report for the FY 2012 operating budgets for the Administration Fund and the Park Fund, with projections to June 30, 2012, in accordance with his written report to the Board.

C. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2012—Secretary-Treasurer Joe Zimmerman briefed the Board on the nine month financial report for the FY 2012 Enterprise budget, with projections to June 30, 2012, in accordance with his written report to the Board.

E. Group Insurance Funds Projects—Secretary-Treasurer Joe Zimmerman briefed the Board on the nine month financial report for the FY 2012 Group Insurance Fund, with projections to June 30, 2012, in accordance with his written report to the Board. Mr. Zimmerman reported that a transfer from the other post-employment benefits (OPEB) fund that was approved to supplement the Group Insurance Fund, if necessary, will not be needed.

D. Follow up of Schools Test Methodology Briefing—In response to questions from the Board, and in preparation for a Subdivision Staging Policy discussion on next week’s agenda, Research staff presented an overview of how student generation rates are calculated for the Schools Test.

4. Budget Transfer Requests

Budget transfer requests from Parks and Planning Departments

BOARD ACTION

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

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Other: **PRESLEY ABSENT**

Action: **A. Approved the budget transfers for the Planning Department as requested.**
 B. Approved the budget transfers for the Parks Department as requested.

Planning Department staff and Parks Department staff presented requests for year-end budget transfers, as detailed in their respective reports. Planning Department staff proposed transferring

\$688,671 from salary savings to Other Services and Charges for contract support for the Zoning Ordinance rewrite and for roof repairs. Parks Department staff proposed transferring \$440,000 of salary and utility savings to Technology Needs, Supplies/Equipment Needs, and Support Services Adjustments.

There followed some discussion of the specific proposed uses of the transferred funds and the budget and funds transfer processes in general.

5. Corrective Map Amendments Transmittal - POSTPONED

Request to file an application for corrective map amendments with District Council, pursuant to Section 59-H-10.2, in order to correct technical errors that led to inaccurate depictions of the zoning boundaries and zoning classifications for certain properties on the official zoning maps.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

6. 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.

7. Approved Takoma/Langley Crossroads Sector Plan: Montgomery County Planning Board Resolution of Adoption

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Resolution, for transmittal to the Commission.

Planning Department staff presented the County Council Resolution approving the Takoma/Langley Crossroads Sector Plan and the draft Planning Board Resolution for adoption and transmittal to the Commission for adoption.

8. Briefing: Glenmont Sector Plan - POSTPONED

Discussion of Preliminary Recommendations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

9. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan-2012-1 Category Change Request (Administrative Group)

Staff Recommendation: Transmit Recommendations to the County Executive

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to recommend approval of the following water and sewer category requests: WSCCR 12-GWC-01A, John Paez; WSCCR 12-OLN-01A, Helen Polinger; WSCCR 12-POT-02G, properties in the Fawsett Farms subdivision; and WSCCR 12-POT-03A, Paul and C. E. Kokulis.

Planning Department staff reviewed the packet of four requests for water and sewer category changes, as detailed in the staff report, noting that this administrative group of requests are non-controversial and will be approved administratively by the County Executive, rather than being presented to the County Council for action. Planning staff concurs in the recommendation of County Department of Environmental Protection (DEP) staff to approve the requests.

11. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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