



APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, June 3, 2010, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:50 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioner Joe Alfandre. Commissioners Norman Dreyfuss and Amy Presley were necessarily absent.

Items 1, 11, and 2-6 are reported on the attached agenda. Item 12, scheduled for the end of the morning session, was taken up at the beginning of the afternoon session.

The Board recessed at 1:30 p.m. for lunch and to take up Items 13 and 14 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 1:46 p.m. in the third floor conference room, on motion of Commissioner Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Alfandre present and voting in favor of the motion, and with Commissioners Dreyfuss and 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; and §10-508(a)(7), State Government Article, Annotated Code of Maryland, 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 of the Legal Department; Director Rollin Stanley and Alison Davis of the Planning Department; Director Mary Bradford and Deputy Director Gene Giddens of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received briefings and provided guidance to staff on the proposed strategies for employee furloughs for the Parks Department and Planning Department and on a motion that was filed to dismiss the forest conservation enforcement proceedings against Imtiaz Noor of 12310 Piney Meetinghouse Road, Potomac.

The Closed Session was adjourned at 2:30 p.m.

The Board reconvened in the auditorium at 2:35 p.m.

Item 12, postponed from the morning session, and items 7, 8, and 10 are reported on the attached agenda.

Item 9 was postponed.

There being no further business, the meeting was adjourned at 4:50 p.m. The next regular meeting of the Planning Board will be held Thursday, June 10, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 3, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

Fairland Park Community - Preliminary Plan No. 12005020A - ADOPTION OF MCPB RESOLUTION No. 10-52

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Adopted the Board Resolution cited above.

***B. Records Plats**

Subdivision Plat No. 220080590, Brookmont - R-60 zone, 1 lot; located on the east side of Broad Street, 300 feet south of 61st Street; Bethesda-Chevy Chase.

Staff Recommendation: Approval

Subdivision Plat No. 220100190, Manor Park - R-200 zone, 2 lots; located on the west side of Georgia Avenue (MD 97), 400 feet north of Carrolton Road; Aspen Hill.

Staff Recommendation: Approval

Subdivision Plat No. 220100790, Edgemoor - R-60 zone, 1 lot located on the west side of Clarendon Road, 200 feet north of Edgemoor Lane; Bethesda-Chevy Chase.

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the Record Plats 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 May 6, 2010 and May 13, 2010

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the minutes of May 6 and 13, 2010, as presented.

11. Leaves for Neighborhoods Tree Planting Program - ADDITION

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Received briefing and adopted and presented a Resolution of Appreciation to Stadler Nurseries for outstanding efforts in promoting the Leaves for Neighborhoods program.

Environmental Planning staff presented an overview and status report on the 2009 Leaves for Neighborhoods program, which provides a \$25 incentive for residents to purchase native trees from participating nurseries and garden centers.

Chairman Hanson presented a resolution of appreciation to Lisa Stadler of Stadler Nurseries in Laytonsville for their outstanding efforts in promoting the program.

Ms. Stadler said that they are very excited about this program and their customers have been equally excited, particularly since they are able to benefit from both a County and State incentive.

Commissioner Alfandre suggested outreach to schools, to encourage school programs to plant trees, particularly with a tie-in to Earth Day.

Chairman Hanson also suggested publicity of the program in conjunction with Arbor Day.

2. Worksession No. 2: Germantown Design Guidelines

Staff Recommendation: Review Testimony and Approve Guidelines for Final Publication

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: **Approved the Guidelines for publication, subject to revisions identified in discussion.**

Urban Design staff presented an overview of the Germantown Design Guidelines and the staff recommendations on issues raised by the Planning Board, property owners, and County agencies, as outlined in the staff report

Ms. Ivette Ruize, of Briarcliff Terrace; Mr. Justin Hersh of Notting Hill Way; Ms. Margaret Schoap of Neelsville Church Road; and Ms. Kathy Hulley, representing the Citizens Advisory Committee, raised concerns about the need for more specificity in the Guidelines.

There followed considerable discussion about the need to be concise, yet flexible, and the Board provided guidance to staff for revisions.

3. Wheaton CBD and Vicinity Staff Draft Sector Plan Presentation

Staff Recommendation: Publish the Public Hearing Draft and set a Public Hearing Date

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: **Approved the draft plan for publication as the Public Hearing Draft, subject to revisions identified in discussion, and scheduled the Public Hearing for July 29, 2010.**

Community-Based Planning staff provided an overview of the vision for Wheaton, noting that the development envisioned in the 1990 Sector Plan did not occur and the County is investing in a revitalization effort to encourage development while retaining the diversity and character of the area. Parks Department staff and staff of the Environmental Planning, Urban Design, and Transportation Planning Divisions discussed other specific issues and recommendations contained in the draft plan.

Mr. Jim Agliata, representing Westfield LLC; Mr. Danila Sheveiko of Kensington Heights; Ms. Judy Higgins, representing the Kensington View Civic Association; Ms. Virginia Sheard of Kensington View; Ms. Stephanie Savolaine of Kensington View; Ms. Heather Olhopolsky, attorney representing the Washington Property Company; and Mr. Gary Stith, County Department of General Services, offered comments.

In discussion, the Board provided guidance to staff for revisions to be incorporated into the plan prior to publication.

4. Planning Board Draft Takoma/Langley Crossroads Sector Plan

Staff Recommendation: Approve and Transmit Planning Board Draft to County Executive and County Council.

(No Public Testimony Will be Taken)

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the Planning Board Draft for transmittal to the County Executive and County Council.

Community-Based Planning staff made a statement for the record from Takoma Park Mayor Bruce Williams, supporting the Sector Plan, thanking the Board for the coordination with the City of Takoma Park on the plan, and expressing the hope that the coordination will continue through implementation.

5. Preliminary Plan 120090370, 9490 River Road (Resubdivision)

RE-2 zone; 5.44 acres; 2 lots requested for 2 one-family detached residential dwellings, one existing to remain; located on River Road, 1,000 feet west of Belle Terre Way; Potomac subregion
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: HANSON/WELLS-HARLEY

Vote:

Yea: 2-1

Nay: ALFANDRE

Other: DREYFUSS, PRESLEY ABSENT

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

Development Review staff presented the proposal to resubdivide one recorded lot and one unplatted parcel to create two residential lots, as detailed in the staff report. Staff noted that the existing house will remain, with its access via River road. Access for the new lot will be provided to Persimmon Tree Road via a short extension of an existing paved private driveway within the dedicated, unbuilt right-of-way of Logan Drive. That driveway serves two houses to the south. A termination will be built to accommodate emergency vehicles, as required by County Department of Transportation (DOT).

Mr. Patrick O’Neil, attorney representing the applicant, concurred in the staff recommendation and elaborated on the proposal. Mr. O’Neil discussed a previously submitted plan with access to River Road and the proposed access via the Logan Drive right-of-way. He cited recent policy changes related to unbuilt, privately maintained public rights-of-way.

Mr. Stan Abrams, attorney representing Mr. Rafic Bizri and Mr. William Slover, adjacent property owners, spoke in opposition to the proposal, maintaining, among other arguments, that the Subdivision Regulations do not allow the proposed termination and the applicants must petition the County to abandon Logan Drive or build it to County standards.

Mr. Rafic Bizri abutting owner on Logan Drive; Mr. William Slover, adjacent property owner on River Road; Ms. Diana Conway, representing West Montgomery County Citizens Association; Ms. Kathryn Bizri, abutting owner on Logan Drive; Ms. Sandra Larey of Logan Drive; Ms. Alice Tamzarian of Logan Drive; Ms. Margaret Widmayer of Moultrie Parkway; Ms. Meredith Gobbi of Moultrie Parkway; Ms. Lois Gobbi of Moultrie Parkway; and Ms. Katherine Slover, owner abutting property on River Road, offered comments.

Mr. O’Neil responded in rebuttal testimony. Responding to the suggestion that the applicant build Logan Drive to County standards, Mr. O’Neil noted that there is no nexus to require such an improvement and DOT does not require it.

There followed considerable discussion of the issue of the proposed extension of the private driveway in the unbuilt right-of-way of Logan Drive, and the nature and characterization of the proposed terminus for emergency vehicles.

Commissioner Alfandre expressed the view that the plan is better as proposed, but he is persuaded that there is an unresolved issue about what can occur within the right-of-way.

6. Ovid Hazen Wells Greenway

Authorization to acquire 4.27 acres, more or less, improved, from the Estate of Mary Koskoris, located at 23500 Ridge Road (MD 27), Germantown, Maryland 20876.

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the staff recommendation for submission to the County Council for authorization to use Advance Land Acquisition Revolving Funds (ALARF) to acquire the property, as stated above, for a purchase price of \$345,000.

12. Budget Transfer - ADDITION

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved budget transfer request presented by Planning Department Director and budget staff.

13. Closed Session - ADDITION

Pursuant to Maryland State Government Code Annotated Section (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 official citation and open session report in narrative minutes.

14. Closed Session - ADDITION

Pursuant to Annotated Code of Maryland, State Government Article 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 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.

7. Preliminary Plan 12002041B, Islamic Center of Maryland (Limited Amendment) (Re-consideration)

RE-2 zone; 9.92 acres; 1 lot previously approved for a house of worship; request to remove a previously approved on-site forest conservation easement and meet requirements off-site; located on Woodfield Road opposite its intersection with Cypress Hill Drive; Upper Rock Creek.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

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

In keeping with the May 12 technical staff report, Development Review staff offered a multi-media presentation of the request by representatives of the Islamic Center of Maryland (ICM) located on Woodfield Road opposite the intersection with Cypress Hill Drive in Upper Rock Creek to remove a previously approved on-site forest conservation easement and provide the required forest conservation requirement off-site at a two-to-one planting ratio.

Messrs. Sayed Nared and Nadeem Ahmad representing the Islamic Center of Maryland requested modifications to conditions 2 and 5 of the staff report, which includes the proposed requirement of the two-to-one ratio.

At the Board’s request Legal staff to the Board offered comments and clarification.

The following speakers offered testimony: Mr. Shee Mbwana of Tidewater Court; Mr. Mohammed Aslam of Broadwater Way; Mr. Kalimuddin Ahmad of Autumn Crest Road; Ms. Samira Hussien of Brian Court; Mr. Bilal Naved of Snapdragon Court; and Mr. Frank Fouladi of Virginia Drive

There followed a brief Board discussion with questions to staff and ICM’s representatives.

8. Continuation of Enforcement Hearing - Forest Conservation Plan 119900430, 12310 Piney Meetinghouse Road, Potomac, MD

Violation of forest conservation plan and conservation easements

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: **Approved staff recommendation for approval of the proposed agreement between the Commission and the applicant regarding the forest conservation plan, as stated in the attached Board Resolution.**

Legal Department staff noted that a proposed agreement has been reached between the applicant and the Commission, which was read into the record by legal staff during the meeting.

Mr. Steve Orens and Ms. Rebecca Walker, attorneys representing the applicant, Dr. Imtiaz Noor, offered comments and concurred with the agreement as read by staff.

Environmental Planning staff offered comments on the proposed agreement.

At the Board’s request, Legal Department staff clarified that it is the Board’s discretion to allow public testimony at this stage of the process.

Mr. Orens voiced his opposition to the Board accepting public testimony.

Ms. Ginny Barnes of Glen Road and representing the West Montgomery County Citizens Association offered testimony.

9. Roundtable Discussion - POSTPONED

- 1. Leaves for Neighborhoods Tree Planting Program - **NEW TIME/SEE ITEM 11**
- 2. Briefing on Potential Agricultural Incubator on Parkland - **ITEM HEARD ON 5/27**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

10. Briefing: Urban Park Guidelines - Objectives, Outreach, and Schedule

Staff will brief the Board on where they are on studying Urban Parks and propose objectives and an outreach strategy and schedule to involve the public.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/ALFANDRE**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

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

Parks Department staff offered a multi-media presentation of the proposed guidelines for urban parks. Staff discussed the definition, objectives, standards, outreach strategy, and the proposed plan schedule. Staff noted that the environmental guidelines, forest conservation, environmental site design, and stormwater management regulations will be applied to urban parks. Staff also recommended including standard text in Sector Plans to elevate urban parks to a priority amenity.

Chairman Hanson instructed staff to investigate possible grant programs and other sources of funding to help develop more urban parks. Chairman Hanson also recommended that staff schedule a presentation to the County Council as part of the Semi-Annual Report.