



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, July 7, 2011, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:10 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioner Casey Anderson. Commissioners Norman Dreyfuss and Amy Presley were absent, although they joined the meeting at 1:00 p.m. and 1:16 p.m., respectively, until the end of the Closed Session, by telephone.

Items 1, 12, 11, and 2-6, taken up in that order, are reported on the attached agenda. Items 1A and 1D were initially deferred, and taken up prior to the Closed Session, with Commissioner Dreyfuss participating by telephone.

The Board recessed at 12:22 p.m. for lunch and to take up Items 1A and 1D in open session and Item 7 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 1:04 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 (via telephone) present and voting in favor of the motion. Commissioner Presley joined the meeting via telephone at 1:16 p.m. The meeting was closed under authority of §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 General Counsel Adrian Gardner and Associate General Counsels David Lieb, Carol Rubin, and Christina Sorrento of the Legal Department; Director Rollin Stanley and Mark Pfefferle of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on the policies and process of enforcing the forest conservation law, including issuance of notices of violations and citations, meetings with staff, hearings by the Hearing Examiner, and review and final action by the Board, including fines, penalties, and corrective actions.

The Closed Session was adjourned at 2:40 p.m.

MCPB, 7-7-11, APPROVED

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

Items 8, 9, and 10 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:10 p.m. The next regular meeting of the Planning Board will be held Thursday, July 14, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, July 7, 2010
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

Montgomery County Animal Shelter - SPA Final Water Quality Plan No. MR2010711 – **MCPB No. 11-41**

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0-1

Nay:

Other: ANDERSON ABSTAINED; PRESLEY ABSENT

Action: Adopted the Resolution, as stated above.

The Board deferred action on the adoption of the above Resolution in the morning session, as there was no quorum of Commissioners who had attended the meeting. The Board took up the Resolution, and took the action reported above, prior to the Closed Session, when Commissioner Dreyfuss joined the meeting by phone.

***B. Record Plats**

1. Subdivision Plat No. 220110100, Burtonsville Industrial Park; I-1 zone; 1 parcel; located on the south side of Sandy Spring Road (MD 198), 250 feet west of Star Pointe Lane; Fairland.

Staff Recommendation: Approval

2. Subdivision Plat No. 220110970, Clewerwall; RE-2 zone; 2 lots; located on the west side of Saunders Court, 300 feet south of Saunders Lane; Potomac.

Staff Recommendation: Approval

3. Subdivision Plat No. 220111110, Silver Spring Music Hall; CBD-2 zone; 3 lots; located on the west side of Colesville Road (US 29), 125 feet south of Fenton Street; Silver Spring CBD.

Staff Recommendation: Approval

4. **Subdivision Plat No. 220111300, Poplar Run**; R-200 zone; 1 lot, 1 parcel; located on the west side of Moonlight Trail Drive, 400 feet south of Poplar Run Drive; Kensington-Wheaton.
Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/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 June 9, 2011

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0-1

Nay:

Other: ANDERSON ABSTAINED; PRESLEY ABSENT

Action: **Approved the minutes of June 9, 2011, as presented.**

The Board deferred action on the minutes in the morning session, as there was no quorum of Commissioners who had attended the meeting. The Board took up the minutes, and took the action reported above, prior to the Closed Session, when Commissioner Dreyfuss joined the meeting by phone.

12. Appoint Commissioner Casey Anderson to ERS Board

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **By consensus, approved the appointment of Commissioner Casey Anderson to the Employee Retirement System (ERS) Board.**

11. [Montgomery County Planning Board Resolution of Adoption: Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area](#)

Staff Recommendation: Approve Planning Board Resolution of Adoption for Transmission to the Full Commission

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **Approved the Resolution of Adoption for transmittal to the Commission, following a brief presentation by Planning Department staff.**

2. [Department of Parks' CIP Strategy Session #2](#)

Set Priorities and initiatives for FY13-18 Parks' CIP

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff on the FY13-18 Capital Improvements Program (CIP) and future facility plans for FY12 through FY14.

Parks Department staff provided an overview of the status of the current Capital Improvements Program (CIP), including level-of-effort projects and stand-alone projects that were completed in FY11, projects that should be substantially complete by the end of FY12, projects that will continue into FY13, and new projects that will be proposed for design and construction in the FY13-18 CIP. Staff also discussed new projects proposed for facility plans in the FY13-18 CIP and the criteria for prioritizing new projects. Concluding, staff discussed decreases in County funding and State Program Open Space funding for the CIP, and the impact of those funding reductions.

There followed considerable discussion of various projects and the impact of reductions in funding. The Board emphasized renovations and maintenance of existing facilities, particularly in terms of safety and compliance with the American Disabilities Act (ADA), and creating additional trails for greater connectivity.

3. [Briefing on Montgomery Parks Nature Centers](#)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department staff presented a briefing on the operations of the four park nature centers: Brookside, Black Hill, Locust Grove, and Meadowside. Staff also discussed new initiatives, including

expanding the environmental literacy and No Family Left Inside programs, enhancing the role of park naturalists in the parks, creating a raptor program for teens, and increasing outreach into the schools and the community. Goals for the nature centers include promoting park stewardship, becoming a leader in the State for environmental literacy for all ages, and repositioning the nature centers to attract private funding and volunteers.

4. Upper Paint Branch Stream Valley Park

Authorization to acquire 1.83 acres, more or less, improved, from Barbara L. Payne, et al, located at 15815 Good Hope Road, Silver Spring, MD 20905.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the staff recommendation to designate the property cited above as a Legacy Open Space Natural Resource Area and acquire the property for the Upper Paint Branch Stream Valley Park using Legacy Open Space funds, for a purchase price of \$180,000, and adopted a Board Resolution to that effect.

5. Roundtable Discussion

A. Parks Director's Report

B. [Healthy and Sustainable Indicators](#) – Updated data since 2008 and discussion of other Indicator efforts - **POSTPONED**

C. [Update on Council bills affecting master plan implementation](#)

D. Discussion of MPDU Amenity CR Zone

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: C. By consensus, approved the proposed staff testimony to the County Council on Bill 23-11.

D. By consensus, agreed to support an additional optional incentive to provide moderately priced dwelling units (MPDUs) in the CR Zones.

A. Parks Director's Report—Director of Parks Mary Bradford presented an overview of events and activities in the parks, highlighting the recent project to relocate the historic Darby Store in Beallsville, Arbor Day festivities, the opening of the Tai Chi facility at Cabin John, the reopening of the South Germantown driving range, and other park projects cited in her written report. Ms. Bradford also discussed Parks Department staff participation in a large interagency program related to dam safety and distributed a report on the results of the January-March 2011 “How Are We Doing?” survey.

B. Healthy and Sustainable Indicators—This item was postponed.

C. Update on Council bills affecting master plan implementation—Planning Department staff briefed the Board on Bill 23-11, “Development Districts, Special Taxing Districts – Duplication of Funding,” raising concerns that, while the bill intends to address an existing problem in development districts, it may have unintended and undesirable consequences in the White Flint district. Staff proposed raising those concerns in testimony to the County Council.

D. Discussion of MPDU Amenity CR Zone—Planning Director Rollin Stanley and Planning Department staff discussed issues raised by the Housing Opportunities Commission (HOC) about increasing incentives to provide moderately priced dwelling units (MPDUs) in the CR Zones. Mr. Stanley presented an option to the HOC proposal, for discussion.

Ms. Barbara Sears and Mr. Steve Robins, land use attorneys, offered comments, proposing an optional incentive, rather than a requirement, given other provisions in the CR Zones.

6. Forest Conservation Plan Amendment MR2010709: Equipment Maintenance and Operations Center Shady Grove (“EMOC”)

Crabbs Branch Way near Shady Grove Road and I-370, Gaithersburg, MD

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the staff recommendation to amend conditions 3 and 6 of the approved Forest Conservation Plan, as stated in the attached Board Resolution.

Planning Department staff presented a proposed amendment to the approved Forest Conservation Plan for the County Equipment Maintenance and Operations Center at Shady Grove (“EMOC”), as detailed in the staff report. Staff noted that condition 3 of the Forest Conservation Plan approval requires a Memorandum of Understanding (MOU) between M-NCPPC and Montgomery County prior to issuance of building permits, which establishes the forest conservation mitigation requirements for encroachment into the stream valley buffers and how and where they will be accomplished. The MOU has not been achieved, and the applicant wishes to proceed with the project. Staff reviewed the proposed new condition 3.

Parks Department staff discussed the status of negotiations with the County on the MOU, which could be used by other County departments when satisfying forest conservation mitigation requirements for plantings on parkland.

Mr. Hamid Omidvar, representing County Department of General Services (DGS), discussed the outstanding issues related to finalizing the MOU, primarily the cost per acre of the required plantings due to the required maintenance period, in relation to the approved budget for the project. Mr. Omidvar also requested that the timing for recording the category I conservation easement, required in condition 6, be changed from “prior to any land disturbing activities” to “prior to occupancy.”

Staff proposed, instead, requiring the recordation of the easement by January 1, 2012.

7. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Bradley Boulevard Improvements Project Facility Planning Study Phase 1 Wilson Lane (MD 188) to Glenbrook Road

Facility Planning Phase I Project Prospectus Review

Staff Recommendation: Transmit Comments to the Montgomery County Department of Transportation (MCDOT)

(Public Testimony limited to 60 minutes)

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **Approved staff recommendation to transmit comments to Montgomery County Department of Transportation, as stated in the attached transmittal letter.**

Planning Department staff offered a multimedia presentation on the draft Bradley Boulevard Improvements Project Facility Planning Study, Phase I, submitted to Planning staff by Montgomery County Department of Transportation (MCDOT) for review and comments. Staff noted that the purpose of the project is to improve pedestrian and bicycle safety and connectivity on Bradley Boulevard between Glenbrook Road and Wilson Lane, improve access to transit, and traffic operations.

Ms. Aruna Miller and Ms. Patricia Shepherd representing MCDOT, and, Mr. James Guinther, consultant, offered comments and answered questions from the Board.

The following speakers offered testimony: Mr. John Wetmore of Bradley Boulevard, and Ms. Peggy Dennis representing Montgomery County Civic Federation.

At the Board's request, Mr. Carl Starkey of the Division of Traffic Engineering at MCDOT also offered comments.

There followed a brief Board discussion, with questions to staff and MCDOT representatives.

9. [2017 Policy Area Mobility Review \(PAMR\)](#)

Presentation to Board and discussion of the year 2017 Policy Area Mobility Review (PAMR) analysis and results, including the FY 2012 PAMR trip mitigation requirements as required annually under the Annual Growth Policy Legislation.

Staff Recommendation: Adopt FY 2012 PAMR Mitigation Requirements Effective July 1, 2011

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus adopted the FY2012 PAMR Mitigations Requirements effective July 1, 2011.

Planning Department staff offered a multimedia presentation of the 2017 Policy Area Mobility Review (PAMR) analysis and results, including the FY12 PAMR trip mitigation requirements, which became effective on July 1, 2011. Staff discussed the PAMR trip mitigation areas in the County and noted that the Planning Department has improved the accuracy of monitoring pipeline projects by taking advantage of computer programs that pull building permit and other development information from multiple County agencies.

Planning Department Director Rollin Stanley noted that Research staff will be updating the PAMR on a regular basis.

There followed a brief Board discussion with questions to staff.

10. Subdivision Staging Policy: Resolution to Exclude Day Care Centers from Policy Area Mobility Review Requirements and Local Area Transportation Review

Staff Recommendation: Transmit Comments to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus instructed staff to forward the Planning Board's comments and recommendations to the County Council, as stated in the attached transmittal letter.

In keeping with the June 30 technical staff report, Planning Department staff discussed the proposed County Council amendment to the County Subdivision Staging Policy proposing the exclusion of child day care centers from the Policy Area Mobility Review (PAMR) requirements and Local Area Transportation Review (LATR). Staff noted that the LATR/PAMR test is based on a traffic study completed by an applicant that analyzes vehicle trips generated by a proposed development and its impact on nearby intersections. Staff noted that all proposed development that may negatively impact existing road conditions should be subject to the LATR/PAMR requirements. Staff discussed the case of the proposed Goddard School project, and added that rather than exempting day care facilities, staff recommends that an effort be undertaken to explore amending the Planning Board's LATR and PAMR guidelines to provide smaller development projects with options for providing their share of combined mitigation requirements without being obligated to construct the entire improvement if they are the first project to begin.

Planning Department Director, Rollin Stanley offered comments.

There followed a brief Board discussion with questions to staff.