



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 8, 2010, at 11:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:00 p.m.

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

Items 1, 9, and 2 are reported on the attached agenda.

The Board recessed at 12:32 p.m. for lunch and to participate via teleconference with the Prince George's County Planning Board in a Closed Session meeting of The Maryland-National Capital Park and Planning Commission. That Closed Session is reported in the minutes of The Maryland-National Capital Park and Planning Commission.

The Board reconvened in the auditorium at 1:52 p.m.

Items 3 through 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:00 p.m. The next regular meeting of the Planning Board will be held Thursday, July 15, 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, July 8, 2010, 11:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

***A. Adoption of Resolutions**

- 1. Kentsdale Preliminary Plan 11997056A - ADOPTION OF MCPB RESOLUTION No. 10-63**
- 2. Willerburn Acres, Preliminary Plan 120090400 - ADOPTION OF MCPB RESOLUTION No. 10-48**
- 3. ezStorage Burtonsville Industrial Park, Site Plan 820100050 - ADOPTION OF MCPB RESOLUTION No. 10-60**
- 4. Plum Gar Recreation Center Forest Conservation Plan MR2010714 - ADOPTION OF MCPB RESOLUTION No. 10-86**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Deferred action due to lack of a quorum on the Resolutions.

***B. Records Plats**

1. Subdivision Plat No. 220100430, Fairhill: RDT zone, 2 lots; located on the west side of Ripplemead Drive, approximately 2,000 feet north of Riggs Road; Olney.
Staff Recommendation: Approval

2. Subdivision Plat No. 220100770, Avery Village: RE-2 zone, 2 lots; located on the south side of Serenity Lane; 600 feet east of Avery Road; Upper Rock Creek.
Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/ALFANDRE**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **Approved the Record Plats cited above.**

***C. Other Consent Items**

1. Lockheed Martin Site Plan 819740051 - ADOPTION OF MCPB CORRECTED RESOLUTION No. 10-47. Correction of typographical error (s).

2. Montrose Parks Site Plan 82002021A - Reconsideration – ADOPTION OF MCPB RESOLUTION No. 10-96

BOARD ACTION

Motion: **1. ALFANDRE/WELLS-HARLEY**

Vote:

Yea: **1. 3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **1. Adopted Corrected Resolution No. 10-47 as cited above.**
2. Deferred action due to a lack of a quorum for Resolution No. 10-96.

***D. Approval of Minutes**

Minutes of June 17, 2010

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Deferred action due to lack of a quorum for Approval of the Minutes.**

9. Roundtable Discussion - ADDITION

Montgomery County Expedited Bill 38-10: Buildings, Adequate Public Facilities - Definition: Clarification that language proposed is consistent with Board's intent as approved July 1, 2010

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **By unanimous consent, with three Commissioners present, concurred in the proposed language for transmittal to the County Council, as stated in the attached Letter of Transmittal.**

In a follow-up to the Board's action of July 1, 2010, on Expedited Bill 38-10, Transportation Planning staff reviewed proposed language for Board approval or revision.

2. Bill 40-10, Stormwater Management - Revisions

To amend the County Code to require management of stormwater runoff through the use of nonstructural best management practices to the maximum extent practicable for new development and redevelopment projects approved and to bring the County's stormwater management requirements into compliance with the Maryland Stormwater Management Act of 2007.

Staff Recommendation: Transmit Comments to County Council

(Action Required for County Council Public Hearing of July 13, 2010).

BOARD ACTION

Motion: **WELLS-HARLEY/ALFANDRE**

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved the Bill in its current form for the sake of expediency, with a proposal that a number of substantive issues undergo additional review and discussion.

Acting Chief of Environmental Planning Division, Mark Pfefferle, presented an overview of the significant changes contained in the Maryland Stormwater Management Act of 2007. The overview included new regulatory requirements and an emphasis on environmental site design, and comments and recommendations on development and implementation of the revised County Stormwater Management Regulations to comply with that law, as set forth in proposed Bill 40-10, as detailed in the staff report.

Mr. Rick Brush, representing the County's Department of Permitting Services (DPS), and Ms. Raquel Montenegro and Mr. Mike Conley, representing the Maryland-National Capital Building Industry Association, participated in the discussion.

Ms. Judy Koenick also offered comments.

In discussion, the Board noted that there are substantive issues that could be better addressed following additional review and discussion, while also noting the need to proceed expeditiously.

MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION BY CONFERENCE CALL - 3RD FLOOR CONFERENCE ROOM- ADDITION

A. Closed Session

Pursuant to Maryland State Government Code Annotated 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.

B. Open Session

1. Consideration of Officer Vacancy
2. Request for Waiver of Provisions of Practice 2-17, Work Furloughs

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. Discussed in Closed Session. Official citation and open session report will appear in the minutes of The Maryland-National Capital Park and Planning Commission.**
 B. The Open Session item was cancelled.

3. The Norwood School, Inc

**A. Revised Forest Conservation Plan: The Norwood School 8821 River Road, Bethesda*
Staff Recommendation: Approval with Conditions

B. Board of Appeals No. S-285-E: (REVISED STAFF MEMO) The Norwood School, Inc., applicant, requests a special exception modification for an existing Private Educational Institution, RE-2 Zone; located at 8821 River Road, Bethesda
Staff Recommendation: Approval with Conditions
(Action Required for Hearing by the Hearing Examiner on 7/20/10)

BOARD ACTION

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

Vote:

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

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **A. Approved the staff recommendation to approve the revised forest conservation plan, with conditions, as stated in the attached Board Resolution.**
 B. Approved the staff recommendation to approve the special exception modification, subject to conditions revised by staff and in discussion, as stated in the attached Letter of Transmittal.

Environmental Planning staff and Development Review staff presented, respectively, the revised forest conservation plan and proposed modifications to an existing special exception for the Norwood School, as detailed in the two staff reports. With regard to the special exception modification, staff noted that the applicant proposes a campus master plan, to be implemented in four phases. Staff cited previously distributed revisions to the special exception staff report and distributed additional revisions.

Mr. Todd Brown, attorney representing the applicant, concurred in the staff recommendation on the revised forest conservation plan and the special exception modification, requesting further revision of several conditions.

Ms. Ginny Barnes, representing the West Montgomery County Civic Association, offered comments.

In discussion, the Board identified revisions to conditions for clarification. The Board also discussed school-related activities and facility rental, the sidewalk and shared-use path on Bradley Boulevard, the need for an amendment to the preliminary plan of subdivision, and the need for submittal, for the public hearing, of a revised site plan showing two parking spaces next to the headmaster's house and a revised landscape plan showing additional landscaping required in condition 16. With regard to school-related activities and facility rental, the Board agreed to recommend that the hearing examiner develop an evidentiary record to determine reasonable limits to those activities.

4. Board of Appeals No. S-2769: TJW Dogs of Silver Spring, LLC

Applicant requests a special exception to permit the operation of a animal boarding place, CBD-2 Zone; located at 8122 Georgia Avenue, Silver Spring

Staff Recommendation: Approval with Conditions

(Action Required for Hearing by the Hearing Examiner on 07/19/10)

BOARD ACTION

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

Vote:

Yea: **B. 3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **A. Motion to approve 30 day-care dogs with training and grooming and 70 day-care dogs for boarding; MOTION FAILED FOR LACK OF A SECOND.**

B. Approved staff recommendation with revised conditions and 60 dogs on site and no more than six (6) employees at any given time.

In keeping with the June 7 technical staff report, Development Review Division staff presented the request for a special exception to permit the operation of an animal boarding place on a property located on Georgia Avenue in Silver Spring. Staff briefly discussed the proposed conditions related to the request.

Ms. Terry Whitehouse, the applicant, requested clarification from staff regarding the maximum number of employees as specified in the staff report and the number of dogs allowed on the premises at any given time. She requested that both numbers not be limited and that she be permitted to increase or decrease the number of employees or dogs at any given time.

Transportation Planning staff discussed the traffic study and any impact of this proposed business on existing traffic.

At the Board's request, Legal staff offered comments and clarification.

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

5. Zoning Text Amendment No. 10-07 - POSTPONED UNTIL 7/15/10

To amend the Zoning Ordinance to amend the RNC and RNC/TDR zones to allow large off-street parking areas only under certain circumstances

Staff Recommendation: Transmit Comments to the County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

6. Preliminary Plan 120090320, Finlandia (Resubdivision)

RE-2 zone; 5.93 acres; 2 lots requested for 2 one-family detached residential dwellings; located on Hawkins Creamery Road, 850 feet west of Hilton Road; Damascus Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

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

In accordance with the June 28 technical staff report, Development Review staff offered highlights of the request to create two lots for two one-family residential dwellings on a 5.93-acre property located on Hawkins Creamery Road in Damascus. Staff discussed the proposed request and noted that it is consistent with the land use and zoning recommendations of the Damascus Master Plan.

Mr. Josh Maisel, Land Planner, representing the applicant, concurred with the staff recommendation.

7. Preliminary Plan 120070040, Calco Fence

I-1 zone; 0.96 acres; 1 lot requested for 1,800 square feet of commercial use and 1 existing one-family detached residential dwelling; located on Sellman Road, 500 feet southeast of Beallsville Road; Agricultural and Rural Open Space Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

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

Development Review staff offered a multi-media presentation of the request to create one lot for 1,800 square feet of commercial use, and one existing one-family detached residential dwelling to remain on a 0.96-acre property located on Sellman Road in the Agricultural and Rural Open Space Master Plan Area. Staff also discussed proposed revisions to condition 1.

Ms. Lauren Ireland, Engineer, representing the applicant, concurred with the staff recommendation.

There followed Board discussion, with questions to staff.

8. Proposed 2010 Rockville Municipal Growth Element

Staff Recommendation: Approval to transmit comments to the City of Rockville

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: Approved staff recommendation to transmit comments to the Mayor and Council of the City of Rockville and the Planning Commission, as part of the public hearing record.

In keeping with the June 30 technical staff report, Community-Based Planning staff offered a multi-media presentation of the report on the City of Rockville Maximum Expansion Limits. Staff discussed the proposal to transmit Planning Board's comments to the City of Rockville Mayor, the City Council and Planning Commission as part of the public hearing record for the draft plan.

At the Board's request, Mr. David Levy representing the City of Rockville Department of Community Planning and Development Services offered comments.

There followed extensive Board discussion with questions to staff and Mr. Levy.