



**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 9, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:55 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Jean Cryor, and Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1 through 5 and Item 15 are reported on the attached agenda. Item 6 was postponed to the afternoon session.

The Board recessed for lunch at 11:51 p.m. and reconvened in the auditorium at 1:50 p.m.

Items 14, 7, 6, taken in that order, and Items 8-11 are reported on the attached agenda. Item 12 was removed from the agenda.

Commissioner Presley left the meeting at 6:20 p.m., during discussion of Item 10.

The Board recessed for dinner at 7:00 p.m. and reconvened in the auditorium at 7:48 p.m.

The Board then heard testimony and received evidence submitted into the record on Item 13, Kensington and Vicinity Sector Plan Public Hearing. A verbatim transcript of this item is on file in the Records Management Office in Silver Spring, Maryland.

There being no further business, the meeting was adjourned at 8:55 p.m. The next regular meeting of the Planning Board will be held Monday, July 13, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, July 9, 2009**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

**A. Fishers Place at Twinbrook Metro**, Preliminary Plan No. 11999043C; ADOPTION OF MCPB RESOLUTION No. 09-71

**B. Wendy's Colesville**, Preliminary Plan No. 12002056A; ADOPTION of MCPB RESOLUTION No. 09-73

**C. Wendy's Colesville**, Site Plan No. 82005008B, ADOPTION OF MCPB RESOLUTION No. 09-72

**D. Corrections to Clarksburg Town Center**, Site Plan No.820070220, ADOPTION OF MCPB RESOLUTION No. 09-15

**BOARD ACTION**

**Motion:**                    **A, B, C: ROBINSON/CRYOR**  
   **D: ROBINSON/CRYOR**

**Vote:**

**Yea:**                    **A, B, C: 4-0**  
   **D: 3-0**

**Nay:**                    **A, B, C: ALFANDRE ABSENT**  
   **D: PRESLEY ABSTAINED; ALFANDRE ABSENT**

**Other:**

**Action:**                **A, B, C: Adopted Resolutions cited above.**  
   **D: Adopted Resolution cited above.**

**2. Record Plats**

**Subdivision Plat No. 220080280, Brighton Knolls**

RC zone; 2 lots; located on the east side of New Hampshire Avenue (MD 650), approximately 600 feet north of Brighton Knolls Drive; Olney

*Staff Recommendation: Approval*

**Subdivision Plat No. 220091000, Brookmont**

R-60 zone; 1 lot; located on the east side of Ridge Drive, 100 feet south of 62nd Street; Bethesda-Chevy Chase

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** PRESLEY/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Approved staff recommendation for approval of the above-cited record plats.

**3. Consent Items**

**AB 723:** Abandonment of a portion of Black Hills Road, Black Hills Regional Park, Boyds  
*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Approved staff recommendation for approval of the proposed abandonment.

**4. Approval of Minutes**

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Approved Minutes of June 4, 2009, as presented.

**15. Reconsideration Request for Strathmore at Bel Pre, Preliminary Plan No. 120050870 and Site Plan No. 820050330 - ADDED**

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-1**

**Nay: HANSON**

**Other: ALFANDRE ABSENT**

**Action: Approved Legal staff recommendation for reconsideration.**

**5. Growth Policy Worksession #1 – Response to the Public Hearing Comments**

**(No Public Testimony will be taken)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Discussed and provided guidance to staff. Chairman Hanson instructed staff to schedule a Planning Board meeting for next Monday evening to pursue the discussion.**

**6. Parks CIP Strategy Session #2:**

Set Priorities and Initiatives for FY11-16 Parks' CIP

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: CRYOR/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the staff recommendations for funding modifications for inclusion in the FY11-16 Capital Improvements Program.**

Following a brief presentation, Parks Department staff responded to questions from the Board about specific Capital Improvements Program projects, as detailed in the staff report.

**14. Garrett Park Estates Local Park**

Authorization to convey 0.75 acres, more or less, including the Park Activity Building, to the Town of Garrett Park.

*Staff Recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: CRYOR/PRESLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT; ROBINSON TEMPORARILY ABSENT**

**Action: Approved the staff recommendation to convey the property, subject to the two stated conditions.**

Parks Department staff presented a proposal to convey a portion of parkland and an activity building in Garrett Park Estates Local Park to the Town of Garrett Park, subject to two conditions: 1) a reverter clause requiring the property to be transferred back to the Commission if it ceases to support a recreation center and 2) a condition that the Town continue the day-to-day maintenance of the nearby Garrett Park-Waverly Neighborhood Park.

Mayor Chris Keller, representing the Town of Garrett Park, noted that he cannot speak for the Town Council, but he anticipates approval to receive the conveyance of land with the stated conditions.

**7. Recommendation to County Council for Clarksburg Stage 4 Next Steps**

Consideration of the results of the water quality assessment for opening Stage 4 in Clarksburg.

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

**Action:** Approved the staff recommendation to transmit findings and recommendations to the County Council, as stated in the attached Letter of Transmittal.

Environmental Planning staff presented an overview of the environmental protection objectives in the Clarksburg Master Plan, particularly in terms of protecting the quality of the Ten Mile Creek Watershed, and the staging triggers to consider whether development can proceed in the watershed under Stage 4, which is the last stage of implementation of the master plan. County Council action to allow or defer water and sewer category changes will determine to what extent and when Stage 4 development can proceed. Staff reviewed the findings and recommendations of an interagency working group, led by the Department of Environmental Protection and the Planning Department, that was convened to analyze the effects of development on the watershed and of anticipated development in Stage 4, as detailed in the staff report. Recommendations include deferring action on water and sewer category changes pending a new master plan amendment for Stage 4 and the Ten Mile Creek watershed, and identification of an alternate site outside the watershed for the future North County Maintenance Depot.

Mr. Robert Hoyt, Director of the County Department of Environmental Protection, and Mr. David Dise, Director of the County Department of General Services, offered comments on, respectively, the water quality of the Ten Mile Creek watershed and the potential to relocate the North County Maintenance Depot out of the Clarksburg Special Protection Area.

The following speakers offered comments: Mr. Patrick Darby, representing the Clarksburg Chamber of Commerce; Ms. Peggy Dennis, representing the Montgomery County Civic Federation; Ms. Anne Ambler, representing Neighbors of the NW Branch; Ms. Cynthia Fain of Rockville; Ms. Kathie Hulley, representing the Clarksburg Civic Association; Ms. Catherine Wiss, representing the Audubon Naturalist Society; Ms. Diane Cameron, representing the Audubon Naturalist Society and the Natural Resources Defense Council; Ms. Cheryl Imperatore of Boyds; Mr. Bob Harris, attorney, and Mr. Frank Coppola, Mr. Michael McCann, Mr. Robert Egan, owners of properties in the Stage 4 development area; and Mr. James Soltesz of Loiederman Soltesz Associates, a consultant who is creating water quality plans for development of Clarksburg Master Plan Stage 4 properties.

Mr. Alan Soukup of the Department of Environmental Protection responded to questions from the Board about sewer service and the Clarksburg Historic District.

There followed some discussion of potential development, imperviousness, protection of water quality, and possible options to accommodate moving forward with Stage 4 development, in ways that protect water quality, without the delay associated with a master plan amendment.

**8. Limited Site Plan Amendment in Response to a Violation for Montrose Parks**

R-200/TDR zone; 1.30 acres; violation of site plan for failing to conform to site plan elements, including replacement of street lights, new entry signs, sidewalk pavers, landscaping and fencing; North Bethesda/Garrett Park Master Plan

*Staff recommendation: Approval of the Limited Amendment with fines and a plan of compliance*

**BOARD ACTION**

**Motion:** PRESLEY/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

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

Development Review staff presented limited site plan amendment No. 82002021A to ratify as-built conditions that deviate from the certified site plan, including additional elements required by staff and requested by the homeowners association, as detailed in the staff report. Staff noted that the revised limited site plan was submitted in addition to civil fines paid by the applicant in settlement of violations of elements of the approved site plan, landscape and lighting plans, and subsequent amendments. Staff distributed a list of revised conditions.

Mr. Steve Orens, attorney representing the applicant, introduced other members of the applicant team. He concurred in the staff recommendation, including the revised conditions.

Ms. Bonnie Kogod, representing the Montrose Park Homeowners Association, and Mr. Patrick O’Neil, representing the Montrose Forest Homeowners Association, owners of the confronting property on which the applicant’s off-site improvements will be made, offered comments.

There followed some discussion of an access easement agreement between the applicant and the Montrose Forest Homeowners Association, and the effect of that agreement on the applicant achieving the requirements of the violation settlement.

Mr. Orens emphasized that Maryland Department of the Environment is the lead/permitting agency for the offsite improvements.

Staff read into the record a new condition 8, related to a required payment of \$16,000 to the Montrose Park Homeowners Association, which was accepted by the applicant and the Board.

**9 Preliminary Plan No. 120090150, Addition to Brooke Road**

R-200 zone; 2.34 acres; 4 lots requested; 4 one-family detached residential dwellings, one existing to be removed; located on the north side of Briars Road, 250 feet west of Olney-Laytonsville Road (MD 108); Olney.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** PRESLEY/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ALFANDRE ABSENT

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

Development Review staff made a brief presentation of the preliminary plan to create four lots for four dwelling units, as detailed in the staff report. Staff cited and responded to concerns raised in correspondence related to stormwater runoff onto an adjacent property and landscaping for lot 1 for buffering from the adjacent church.

Mr. Perry Berman, representing the applicant, introduced other members of the applicant team. Mr. Berman concurred in the staff recommendation, proposing a modification to condition 3, related to noise. Mr. David McKee, the engineer, discussed buffering from the adjacent church.

There followed some discussion of the noise and buffering issues. Staff recommended a new condition to construct a board-on-board fence or a row of trees for buffering along two property lines of lot 1. Staff also offered a revision to condition 3.

**10. Board of Appeals No. S-2351-A**

Mid Atlantic Petroleum Properties, LLC, applicant, requests a modification to an existing special exception for an Auto Filling Station; I1Zone; located at 12301 Middlebrook Road, Germantown  
*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE, PRESLEY ABSENT

**Action:** Approved the staff recommendation to approve, subject to revised conditions, as stated in the attached Letter of Transmittal and list of conditions from the staff report.



Development Review staff presented the proposed modifications to an existing automobile filling station, as detailed in the staff report. Staff noted that the applicant was cited for violations to the special exception. Some of the violations were corrected and the proposed modification to the special exception will correct the remaining violations by validating as-built conditions. Staff noted that the lighting plan has been revised since the staff report was issued, and discussed elements of the revised plan.

Mr. Stan Abrams, attorney representing the applicant, concurred in the staff recommendation and discussed how the proposed modifications do not change the inherent nature of the use and will improve current conditions by upgrading the site to meet the Germantown Streetscape requirements. Mr. Carl Newberg, the architect, elaborated on the lighting plan and other elements of the proposed modifications.

Ms. Dolores Milmo, representing the Audubon Naturalist Society, offered comments.

There followed considerable discussion about whether the original modification and violations changed the use, with concerns expressed about parking and lighting.

Staff recommended a new condition to prohibit any additional seating, which was accepted by the Board.

## **11. Forest Conservation Plan and Park Facility Plan – Rock Creek Maintenance Yard Renovation**

A. Forest Conservation Plan: Amendment to Forest Conservation Plan for Washington Gas Company Gate Station

*Staff recommendation: Approval*

B. Preliminary Forest Conservation Plan for renovation of the Rock Creek Maintenance Yard, 15881 Beach Drive, Derwood, Rock Creek Regional Park

*Staff recommendation: Approval*

C. Facility Plan: Facility Plan for renovation of the Rock Creek Maintenance Yard, 15881 Beach Drive, Derwood, Rock Creek Regional Park

*Staff recommendations:*

*1) Approve facility plan for Rock Creek Maintenance Yard including cost estimate*

*2) Determine the schedule for design and construction during review of the FY11-16 CIP*

## **BOARD ACTION**

**Motion:**            **A. CRYOR/ROBINSON**  
                         **B. CRYOR/ROBINSON**  
                         **C. ROBINSON/CRYOR**

**Vote:**

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

**Nay:**

**Other:**             **ALFANDRE, PRESLEY ABSENT**

**Action:**       **A. Approved the staff recommendation to amend Final Forest Conservation Plan S-2596.**

**B. Approved the staff recommendation to approve Preliminary Forest Conservation Plan PP2009001.**

**C. Approved the staff recommendation to approve the Facility Plan for renovation of the Rock Creek Maintenance Yard.**

Following opening remarks by Parks Department staff, Mr. Jim Schneider, consultant with Gannett Fleming, provided a multimedia presentation about the proposed renovations to the Rock Creek Regional Park Maintenance Yard. Environmental Planning staff presented the proposed amendment to Final Forest Conservation Plan S-2596, for the Washington Gas Rock Creek Gate Station, and Preliminary Forest Conservation Plan PP2009001, for the Maintenance Yard, which are both required for the renovation to take place, as detailed in the staff report.

Ms. Judy Koenick offered comments.

**12.     Planning Board Roundtable (no public testimony) -Removed**

A. Parks Director Report

B. Old Gunpowder Golf Course MOU Briefing

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **This item was removed from the agenda.**

**13.     Kensington Sector Plan - Public Hearing on the Draft Plan**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

MCPB, 5-7-09, NOT APPROVED

**Action: Received testimony and evidence submitted into the record.**

Mayor Peter Fosselman of the Town of Kensington sat with the Board for the Public Hearing.

A VERBATIM TRANSCRIPT OF THIS ITEM IS ON FILE IN THE RECORDS MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.