



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, October 3, 2013, at 1:30 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:29 p.m.

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

Item 1 is reported on the attached agenda.

The Board recessed for lunch at 1:30 p.m., and to take up Item 9 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 1:47 p.m. in the 3rd floor conference room. 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 the Closed Session were Associate General Counsels Nicholas Dumais, David Lieb, and Carol Rubin of the Legal Department; Director Gwen Wright of the Planning Department; Deputy Director Michael Riley of the Parks Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton.

The Closed Session meeting was adjourned at 2:20 p.m.

The Planning Board reconvened in the auditorium at 2:23 p.m.

Items 2, 3, and 5 are reported on the attached agenda.

The Planning Board reconvened in Closed Session at 5:30 p.m. to take up Item 10.

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 reconvened in Closed Session at 5:30 p.m. in the 3rd floor conference room, on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss and Presley present and voting in favor of the motion. Commissioner Anderson was not present for the Closed Session. 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 the Closed Session were Associate General Counsels Nicholas Dumais, David Lieb, and Carol Rubin of the Legal Department; Director Gwen Wright, Lazdins Valdis, Mary Dolan, Fred Boyd, and Richard Weaver of the Planning Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board received briefing from legal counsel and Planning Department staff and discussed issues associated with proposed amendments to the Clarksburg Limited Master Plan for the Ten Mile Creek Watershed.

The Closed Session meeting was adjourned at 5:45 p.m.

The Planning Board reconvened in the auditorium at 5:53 p.m.

Commissioner Anderson left for the day at 5:53 p.m.

Items 6, 7, and 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:29 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 10, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 3, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

9. Closed Session - ADDED

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 (Wheaton)

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 - ADDED

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 (Wheaton)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

2. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

1. Adoption of Resolutions for United Therapeutics Silver Spring Campus

- a. Project Plan No. 920130060 (MCPB 13-131)
Planning Board Action/Decision: Adopted.
- b. Preliminary Plan No. 120130190 (MCPB 13-132)
Planning Board Action/Decision: Adopted.

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted the Resolutions for United Therapeutics Silver Spring Campus, as submitted by Legal Counsel to the Planning Board.**

***D. Approval of Minutes**

Minutes of July 31, 2013, and September 4, 2013

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Planning Board Meeting Minutes cited above, as submitted.**

3. **FY15 Budget - Worksession - TIME CHANGED**

Staff Recommendation: Discuss and provide direction to staff

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Parks Department staff offered a multi-media presentation and discussed the projected expenses to fund the proposed category changes which include Maintenance Staff, Natural Surface Trails, Tree Contract, Seasonal Staff Restoration, Landscape Restoration, Safe and Functional Equipment, Extending the Life of Outdoor Courts, and Non-Invasive Plants.

The Planning Board discussed the proposed restoration of parks infrastructure in regard to the up-front costs and the maintenance costs after restoration.

Parks staff discussed the large number of acres in need of maintenance and removal of invasive plant species. Staff proposed the creation of a new position to assist in the removal of invasive plants which is currently done by a part-time career employee. Staff noted that the projected supply budget also includes equipment rental. Staff also noted that a full-time employee will enter data currently collected from tree inventory into the Geographic Information System (GIS) database and coordinate the continued collection of such data for GIS updates as necessary.

The Board inquired about the necessity to create a full-time position for tree inventory data input and maintenance of the GIS data repository.

Staff discussed the need for a part-time public marketing employee, in addition to the current single staffer. Staff noted the requirement for dedicated staff to maintain grounds around historic sites (i.e., groundhog removal, structural foundation repairs caused by invasive creatures).

The Board advised staff that more data should be provided, such as organizational charts, to help determine the necessity of the proposed staffing expenditures and to assess the validity of proposed staff increases. The Board also discussed its responsibility regarding the selection criteria by which proposed programs and related requests are funded.

Park Police Department staff discussed the need to increase police staff on the night shift because the County police only partially help with night patrol of County parks.

5. Sketch Plan Amendment No. 32011002A, North Bethesda Gateway - **TIME CHANGED**

Staff recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff discussed options for the North Bethesda Gateway proposed plan. Staff discussed a proposed zoning amendment for the subject property located on the south side of Nicholson Lane near its intersection with Rockville Pike. Staff noted that the proposed zoning change will allow for increased development of residential structures while decreasing non-residential development. Staff discussed the recommendation to maintain the current building height zone for the subject property at 200 feet to allow for increased building height for future proposed development on the subject property. The proposed zoning amendment would not change the existing density requirement. Staff noted that the project is receiving additional points for the addition of underground parking to accompany the existing above ground parking. Previously approved plans contained four green roofs, while the amended plan removes two of the four and replaces them with cool roofs. Staff discussed proposed language modifications to the draft resolution.

The Board inquired about maintaining density within the proposed area and also discussed the ability to review future site plans following any possible sketch plan modifications. The Board instructed staff to submit a sketch plan amendment that can be incorporated into the site plan, as well as a footnote or some comparable notation, for insertion into the amendment to address any proposed density and height modification. The Board also added that the sketch plan amendment should contain an acknowledgement of the original density and height approval for the purpose of clarification during review from future governing bodies.

Legal counsel to the Board noted that the Resolution does contain binding elements regarding density and height, and will reflect the specifications as approved by the Board. Counsel noted that future modifications to the sketch plan will require resubmittal for Board review to ensure compliancy with the Master Plan. Counsel also advised the Board to defer adoption of the Resolution pending modification of the sketch plan.

5. **Sketch Plan Amendment No. 32011002A, North Bethesda Gateway - TIME CHANGED**

CONTINUED

Ms. Barbara Sears, attorney representing the applicant, offered a multi-media presentation, answered questions from the Board, and concurred with the staff recommendation.

Ms. Natalie Goldberg representing the Garrett Park Estates-White Flint Park Citizens Association offered testimony.

There followed extensive Board discussion with questions to staff and Ms. Sears.

6. **Travilah Grove - TIME CHANGED**

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

Planning Department staff discussed the site plan and final water quality plan for the 13.72-acre subject property located on Travilah Road, within the Piney Branch Special Protection Area (SPA). The proposed development will consist of five multi-family residential apartment buildings with a total of 300 dwelling units, and one non-residential clubhouse. This development area will replace a Category I conservation area. Staff noted that the subject property contains 0.1 acres of existing forest and no wetlands or stream valley buffers. In compliance with the Forest Conservation Plan (FCP) requirement, the applicant must provide planting on 2.07 acres of the subject property. Staff also noted that the applicant plans to retain the existing forest cover at the site as well as plant additional forest on 0.98 acres. The retained forest and the newly planted area will be placed in a Category I easement conservation area. Staff discussed the requirement for a final water quality plan by the applicant, as required by the SPA. Staff also discussed language changes in the Water Quality Plan Resolution.

The Planning Board inquired about the removal of language in the Resolution that permitted parking spaces for bicycles at the pool and clubhouse.

Legal Counsel noted that additional language will be added to the Resolution.

Mr. Steve Robbins, attorney representing the applicant, discussed the proposed request, answered questions from the Board, and concurred with the staff recommendation.

7. Beverly Farms - TIME CHANGED

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

Planning Department staff discussed a proposed request to create two lots on Beverly Farms, a 0.95-acre parcel located on the north side of Tuckerman Lane in the Potomac Subregion Master Plan. The proposed development, zoned one-family residential, is exempt from the Forest Conservation requirements and, as such, the removal of any trees will not require the submittal of an FCP. The stormwater management concept has been approved by Montgomery County Department of Permitting Service (MCDPS). Notices regarding the proposed development were sent to community groups and a meeting was held on March 24, 2011, during which staff answered questions from the public regarding stormwater management proposals.

The Planning Board discussed the location of the proposed lot and concurred with the staff recommendation.

Mr. Jody Kline, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

8. Preliminary Plan Amendment No. 11999034B: Alvermar Woods, Lot 17 (In Response to a Violation) - TIME CHANGED

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

Planning Department staff discussed conditional changes in the Resolution for the Preliminary Plan Amendment for Alvermar Woods, a 2.07-acre property located on Riverwood Drive in response to a Forest Conservation Plan violation. Staff noted that the applicant is requesting approval to remove 0.51 acres of Category I conservation easement on the subject property, and will mitigate the loss of the easement with 0.15 acres of new Category I easement onsite along with the purchase of 0.72 acres of mitigation credit at a Forest Conservation Mitigation Bank in the same Watershed.

Ms. Michele Rosenfeld, attorney for the applicant, concurred with the staff recommendation.