



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 9, 2014, at 9:05 a.m. and adjourned at 1:50 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Amy Presley. Commissioner Norman Dreyfuss was necessarily absent.

Items 1 through 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 1:50 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 16, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, October 9, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220121900 – 220121910, 220130970, Cabin Branch

RMX-2 zone, street dedications; located at the terminus of Broadway Avenue and Byrne Park Drive; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220131500 – 220131510, Cloverleaf Center

TMX-2 zone, 1 parcel; located on the east side of Century Boulevard at the intersection of Cloverleaf Center Drive; Germantown Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Record Plats cited above, as submitted.

***C. Other Consent Items**

Country Club Village (6124 Verne Street), Preliminary Plan Amendment No. 12008033A
R-60 zone, 0.67 acres, Request to amend the tree save plan to address changes to the LOD in condition #2 (~~no change to condition~~), located on the south side of Verne Street approximately 600 feet west of River Road, Bethesda Chevy-Chase Master Plan

Staff Recommendation: Approval of the Consent Agenda and Draft Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan Amendment for the Country Club Village project, and the draft Resolution, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of September 18, 2014

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: **Approved staff recommendation for approval of the Planning Board Meeting Minutes of September 18, 2014, as submitted.**

2. Roundtable Discussion

- Parks Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing.**

Parks Department Director's Report – Parks Department Director Mike Riley briefed the Board on last Tuesday Parks Department presentation of the Semi-annual report to the County Council, which covered the following subjects: Urban Parks; Community Outreach; Trails; Historic and Cultural Preservation and Interpretation; Athletic Fields; and White Tail Deer Management. Mr. Riley noted that the Council members thanked staff for their hard work and a great presentation. Mr. Riley also talked about the upcoming National Park and Recreation Conference to be held in North Carolina on October 14 through 16, which will be attended by the Director and a number of staff; Mr. Riley also briefed the Board on the following on-going and upcoming park events: the September 2014 Parks and Streams Cleanups; the CAPRA Reaccreditation for the Parks Department; Park Police News, Park facilities updates; and the forthcoming Hallowing events in the parks. Mr. Riley noted that a report has been distributed to the Board for further information.

3. Biannual Sustainability Plan – Montgomery Departments of Parks and Planning

Presentation of the Montgomery Department of Parks and Planning Biannual Sustainability Plan July 2014 – June 2016, by the Montgomery Sustainability Committee in compliance with Practice No. 6-40

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department and Parks Department staff offered a multi-media presentation and briefed the Board on the initial two-year, July 2014 – June 2016, Montgomery Departments of Parks and Planning plan for sustainability, in compliance with Commission Practice 7-40. Staff discussed the Coordinating Committee’s recommendations and goals regarding the implementation of the proposed plan. Staff noted that this plan will be updated every two years with a report on the progress and achievement of the plan recommendations.

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

Chair Anderson thanked staff for a great report and their dedication to preserving the environment.

4. Bennett Creek Conservation Park

Authorization to acquire ~~255.8~~ 260.0 acres, more or less, unimproved, from the Estate of Margaret T. Snow, located at west of MD Rte. 27 (Ridge Road), south of Bellison Road, Damascus, Maryland 20872

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Following a brief Parks Department staff presentation, approved staff recommendation to authorize the proposed land acquisition mentioned above.

Parks Department staff briefly discussed the proposed land acquisition from the Margaret T. Snow Estate, of a 260-acre property, more or less unimproved, located west of MD Rte. 27 (Ridge Road), and south of Bellison Road in Damascus, as an addition to the Bennett Creek Conservation Park. Staff noted that the negotiated purchase price of \$2,659,805.00 will be funded by the Legacy Open Space Program.

5. Georgia Avenue Interchange with Norbeck Road

Authorization to acquire 2.5 acres, more or less, unimproved, with Advance Land Acquisition Revolving Funds (ALARF) from Small's Nursery, LLC located west of Georgia Avenue, north of Norbeck Road, Rockville, Maryland 20853

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HALREY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Following a brief Parks Department staff presentation, approved staff recommendation to authorize the proposed land acquisition mentioned above.

Parks Department staff briefly discussed the proposed land acquisition from Small's Nursery, LLC, of a 2.5-acre property, more or less unimproved, located west of Georgia Avenue, north of Norbeck Road in Rockville. Staff noted that the negotiated purchase price of \$3,750,000.00 is to be funded through the Commission's Advance Land Acquisition Revolving Fund (ALARF). Following the Planning Board's approval, staff will be asking the Montgomery County Council, sitting as the District Council, to approve the use of ALARF money for this acquisition as required by the Maryland Code Annotated Land Use Article §18-402.

***6. Allanwood: Preliminary Plan No. 120140150 --** Request to subdivide Parcel 145 to create three one-family detached lots on 5.6 acres of land in the R-200 Zone; located at the southeast quadrant of the intersection with Norbeck Road and Woods Center Road, Silver Spring in the Aspen Hill Master Plan area

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: **Approved staff recommendation for approval of the proposed Preliminary Plan cited above, subject to revised conditions, and adopted the attached revised Resolution.**

In keeping with the September 25 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request to subdivide existing Parcel 145 to create three one-family detached lots on a 5.6-acre property located in the southeast quadrant of the intersection of Norbeck Road and Woods Center Road in the Aspen Hill Master Plan area. Staff noted that the property consists of a vacant single-family house, garage, and a shed located in a forested area with mature specimen trees, which will eventually be demolished. A Category I Conservation Easement approved by the Office of the General Counsel must be recorded in the Montgomery Land Records by deed prior to any demolition, clearing, or grading, and must be referenced in the record plat. The record plat must clearly depict the easement.

Mr. Kevin Foster, attorney representing the applicant, introduced Mr. Martin Mitchell, the applicant, and Mr. Ralph Mobley, member of the applicant’s team, briefly discussed the proposed request, and concurred with the staff recommendation.

Mr. Carl Hanson of Woods Center Drive offered testimony.

At the Board’s request, Legal Counsel to the Planning Board clarified the requirement to have the easement referenced on the record plat.

There followed extensive Board discussion with questions to staff and the applicant’s representative.

7. Subdivision Regulation Amendment No. 13-03

To limit the number of agencies required to approve a record plat; and to generally amend the provisions relating to the approval of record plats.

Staff Recommendation: Transmit Comments to the County Council.
(Action required for County Council public hearing of 10/14/14)

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote: Yea: **3-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

In keeping with the October 2 technical staff report, Planning Department staff discussed the proposed Subdivision Regulation Amendment (SRA), which would modify Chapter 50 of the Subdivision Regulations to limit the number of agencies required to approve a record plat, and to

generally amend the provisions relating to the approval of record plats. Specifically, Section 50-36 would be amended so that only Planning Department staff would need to review submitted plat drawings, with approval by the Planning Board and any other agency expressly required to approve a record plat. No other agency approval is required, and reference to the Department of Permitting Services (DPS), as the applicable County agency approving road and street profile plans, will be removed. Staff noted that in light of the Office of Legislative Oversight (OLO) investigation, the move to EPlans, and other streamlining measures that are still being implemented, or have been implemented recently, it is too early to assess their success. Staff recommends that the proposed SRA be tabled until the effect of recently implemented measures can be determined, and discussions on the OLO report are completed.

Ms. Dianne Schwartz Jones, Director of DPS, offered comments.

There followed extensive Board discussion with questions to Legal Counsel to the Board, staff, and Ms. Schwartz Jones.

The Board instructed staff to transmit the Board's comments discussed at the meeting, and added that the ultimate goal is to establish a way to modify the process so that record plats are not held up by a number of unnecessary requirements.

8. Aspen Hill Minor Master Plan Amendment: Worksession No. 1

Possible Topics: Land Use, Zoning, Design Guidelines, and Transportation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff offered a multi-media presentation and discussed in detail the testimony received at the Public Hearing held on September 11, 2014, and further testimony received during the open record timeframe, which ended on September 19, and staff response to the testimonies received in the following areas of the Plan: process, market analysis, mobility, general land use, property specific issues and zoning, and the design guidelines. Staff noted that the current approved schedule for the Minor Master Plan Amendment calls for the Planning Board's draft Plan to be transmitted to the County Council by November 2014. Three Planning Board worksessions are scheduled for October 9, October 30, and November 20.

Mr. William Kominers, attorney and Ms. Cindy Bar, attorney offered comments.

Mr. Douglas Wrenn, architect, also offered comments.

There followed a brief Board discussion with questions to staff and the speakers.