



**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, November 17, 2011, at 9:11 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:25 p.m.

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

Items 1 and 3 are reported on the attached agenda.

The Board recessed at 12:31 a.m. for lunch and to take up Items 10 and 12 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 1:00 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 present and voting in favor of the motion, and with Commissioner Presley absent. 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 all or part of the Closed Session were Rose Krasnow, Mary Dolan, Piera Weiss, John Carter, Cathy Conlon, Robert Kronenberg, Patrick Butler, Ki Kim, and David Anspacher of the Planning Department; Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; and Clara Moise of the Commissioners' office.

In Closed Session, the Board received advice from counsel regarding a reconsideration request for the Goddard School Preliminary Plan to be discussed during the afternoon Planning Board session, and received briefing from counsel regarding the Amenity Fund.

The Closed Session was adjourned at 1:55 p.m.

The Board reconvened in the auditorium at 2:22 p.m.

MCPB, 11-17-11, APPROVED

Items 11, 4C, 4A, 2, 9, 5 through 8, and 4B, taken up in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:25 p.m. The next regular meeting of the Planning Board will be held Thursday, December 1, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, November 17, 2011**  
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**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Record Plats submitted for approval.**

**\*C. Other Consent Items**

**Preliminary Plan Review Amendment No. 11988225B, University Gardens**, R-60 zone, 2.08 acres, Amend Condition no. 1 to convert designation from Part of Lot 11 to Lot 43, located at 440 East University Boulevard, approximately 50 feet north of Buckingham Drive; Silver Spring

*Staff Recommendation: Approval of the Amendment and Draft Resolution*

**BOARD ACTION**

**Motion: DREYFUSS/ANDERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the proposed Preliminary Plan Amendment and draft Resolution cited above.**

**\*D. Approval of Minutes**

Minutes of October 27, 2011

**BOARD ACTION**

**Motion: ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved Planning Board Meeting Minutes of October 27, 2011, as presented.**

**3. Capital Crescent Trail Project Scope Refinement**

Provide requested guidance to the Maryland Transit Administration on selected items and issues related to the concept design of the Capital Crescent Trail as it relates to the Purple Line Light Rail corridor.

*Staff Recommendation: Transmit Comments to the County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing from Planning Department staff, Maryland Transit Administration (MTA) representatives, and Purple Line consultants on the Capital Crescent Trail Project Scope Refinement, and by consensus approved staff list of recommendations discussed at the meeting to be transmitted to the County Council.**

Following a Planning Board guided tour last Thursday organized by Planning Department and Parks Department staff, with representatives from the County Council’s office, the Department of Transportation (DOT), Park Police, County Police, and MTA also present to provide information and respond to questions from Board members, Planning Department staff, MTA representatives and consultants offered a multimedia presentation and discussed the proposed tunnel alignment which connects Woodmont Plaza and Elm Street Park via a tunnel under the Apex Building, Wisconsin Avenue, and the Air Rights Building, the surface alignment, which crosses Wisconsin Avenue at Bethesda Avenue, and sections of the Rock Creek Trail east of Jones Mill Road. Staff also discussed all the proposed construction options and the specific locations along the interim trail within the Georgetown Branch right-of-way in Bethesda and Rock Creek Park where major cost issues are raised for trail facilities and emergency access.

Messrs. Michael Madden, MTA Project Development Chief; James Guinther, Vice President of engineering firm Whitman, Requardt & Associates; Brian Riffle, Purple Line consultant; and Ms. Harriet Levine, Purple Line consultant, offered comments and answered questions from Board members.

At the Board’s request, Park Police Lieutenant Lisa McNeil offered comments regarding the requirement and usefulness of placing call boxes along the trail.

The following speakers offered testimony: Councilmember Patricia Burda representing the Town of Chevy Chase; Mr. Jim Roy of Elm Street; Ms. Linda Skalet representing the Bethesda Civic Coalition; Mr. Stuart Barr, attorney representing Lerch, Early & Brewer of Bethesda Metro Center; Mr. Ajay Bhatt representing the Friends of the Capital Crescent Trail; Mr. Eric Peek, President of the Coquelin Run Citizens Association; Mr. Greg Drury representing the Coalition for the Capital Crescent Trail (CCCT); and Mr. William Offutt of Irvington Avenue.

There followed extensive Board discussion with questions to staff and MTA representatives.

**10. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland §10-508(a)(7) to consult with counsel to obtain legal advice

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

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**12. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland §10-508(a)(7) to consult with counsel to obtain legal advice

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**11. [Reconsideration Request of Goddard School - Clarksburg, Preliminary Plan No. 120110020](#)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **No motion to reconsider was offered.**

Legal Department staff presented the submitted request for reconsideration of the Board's March 3, 2011, action on Preliminary Plan No. 120110020, Goddard School-Clarksburg.

**2.        Parks' CIP Transfer and Supplemental Requests**

Authorize two supplemental appropriation requests to the Parks' FY12 Capital Budget and amendments to the FY11-16 Capital Improvements Program (CIP); and authorize one fund transfer request in the Parks' FY11-16 CIP

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                **ANDERSON/DREYFUSS**

**Vote:**

**Yea:**                **4-0**

**Nay:**

**Other:**                **PRESLEY ABSENT**

**Action:**        **Approved the staff recommendations as outlined in the staff report.**

Department of Parks staff presented requests for supplemental appropriations for the FY12 Capital Budget and amendments to the FY11-16 Capital Improvements Program (CIP); a transfer of funds between projects in the FY11-16 CIP; and a shift in project expenditures in the submitted proposed FY13-18 CIP, as detailed in the staff report. The proposals relate to transferring proceeds from real estate transactions for highway improvements to local parks acquisition projects; increasing funds to more accurately reflect costs associated with ongoing efforts to retrofit non-local parks and park facilities to comply with revisions to the Americans with Disabilities Act (ADA); transferring a project surplus to cover a shortfall in the Woodstock Equestrian Center project; and shifting the expenditure schedule for two pollution prevention projects, based on changes in the State Highway Administration design schedule. Staff noted that, with the exception of the transfer of funds to the Woodstock project, the revisions must be submitted to the County Council for approval.

There followed some discussion of the supplemental appropriation request related to the ADA. Staff noted that it was understood when the FY11-16 CIP was submitted and approved that the costs associated with the federally mandated ADA retrofits were not certain and that supplemental appropriations would likely be requested.

**9. South Germantown Recreational Park (CORRECTED ITEM NUMBER)**

Authorization to acquire 22,500 square feet (0.52 acres), more or less, improved, from the Roger M. Burdette Revocable Trust, located at 17730 Burdette Lane, Germantown, MD 20874-2204  
*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the staff recommendation to authorize acquisition.**

Parks Department staff presented the proposal to acquire the above-referenced property for expansion of the South Germantown Recreational Park, for \$265,000, with an additional estimated \$75,000 for demolition of improvements on the property and removal of debris, to be funded through the Ballfield Initiatives Project in the Capital Improvements Program, as stated in the staff report. There followed some discussion of a submitted request that the subject property and an adjacent property be reserved for and developed as a cricket field. In making the motion, Vice Chair Wells-Harley stipulated that the highest and best use of the property will be determined by staff through the established facility planning process, with a recommendation to the Board at the conclusion of that process.

**\*5. Subdivision Regulation Waiver Request SRW201203, Huntington Terrace**

R-60 zone, 0.17 acres, Waiver request to subdivide two parts of lots, located on Lincoln Street, approximately 75 feet east of Jefferson Street; Bethesda-Chevy Chase  
*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/ANDERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**



**Action:**       **Approved the staff recommendation to grant the requested waiver of the Subdivision Regulations to allow release of a building permit for construction of a dwelling on an unrecorded lot, subject to submission of a record plat combining the two parts of lots into one lot within 120 days of issuance of the building permit, as stated in the attached Board Resolution. Further, authorized staff to sign off on the building permit prior to mailing of the Board Resolution.**

Planning Department staff presented a request for a waiver of the Subdivision Regulations, as detailed in the staff report, to allow release of a building permit for construction on property consisting of two parts of lots, subject to submission of a record plat combining the two parts of lots into one lot within 120 days of issuance of the building permit. Staff explained that official public documents and records dating back to 1947, including two recorded plats and three recorded deeds, contain inaccurate and misleading information that indicate that the two parts of lots had been recorded previously as one lot. Based on that inaccurate information, staff said, the applicants partially demolished their 1937 residence, for construction of a new residence. Construction was delayed when it was discovered that the lot had never been recorded and a building permit could not be issued. In staff’s view, the inaccurate and misleading public records represent sufficient “unusual circumstances” to justify the requested waiver.

Mr. David Brown, attorney, and Ms. Vera Ashworth, the applicant, provided additional information about the inaccurate records and the practical difficulties encountered as a result.

**\*6. Preliminary Plan 119990390, Extension Request for Friendship Commons (GEICO) - POSTPONED**

TS-M and R-60/TDR zones, 26.50 acres, Request to extend the validity periods for the Preliminary Plan from 2014 to 2020 and the APF validity period from 2015 to 2020, located at 5260 Western Avenue; Friendship Heights

*Staff Recommendation: Denial of the Extension Request*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **This item was postponed.**

**7. Board of Appeals No. S-2819: Olney Assisted Living**

**\*A. Preliminary Forest Conservation Plan No. S-2819: Olney Assisted Living**

*Staff Recommendation: Approval with Conditions*

**B. Special Exception No. S-2819 Olney Assisted Living:** Request for a special exception for a 64-bed domiciliary Care Home, R-200 Zone; located on Parcel P707, 17000 Block of Georgia Avenue, West Side of Georgia Avenue (MD 97) approximately 640 feet south of its intersection with Old Baltimore Road in Olney MD, 2005 Olney Master Plan.

*Staff Recommendation: Approval with Conditions*

(Action Required for Hearing by the Hearing Examiner on 12/02/2011)

**BOARD ACTION**

**Motion:**                    **A. DREYFUSS/WELLS-HARLEY**  
                                  **B. ANDERSON/WELLS-HARLEY**

**Vote:**  
      **Yea:**                **A. 4-0**  
                              **B. 4-0**

**Nay:**

**Other:**                **PRESLEY ABSENT**

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

Planning Department staff presented the request for a special exception for a 64-bed domiciliary care home, and the associated forest conservation plan, as detailed in the respective staff reports. Staff responded to questions from the Board about the lighting plan and the easement for the shared driveway, made several corrections to the staff reports, and deleted special exception condition 4.

There followed considerable discussion about the relative merits of the single-story design for the proposed use.

Ms. Erin Girard, attorney, and Mr. Don Feltman of the applicant company concurred in the staff recommendation and elaborated on the proposed use, including the need for the proposed single-story design.

Mr. Matt Zaborsky, representing the Greater Olney Civic Association, spoke in support of the proposal.

**8. Hollywood Branch Stream Restoration**

\***A. Preliminary Forest Conservation Plan MR2010006: Attachment:** Clifton Road and E. Randolph Road, Silver Spring, R-90, White Oak Master Plan  
*Staff Recommendation: Approval with Conditions*

**B. Mandatory Referral No. 2010006:** Clifton Road and E. Randolph Road, Silver Spring, R-90, White Oak Master Plan  
*Staff Recommendation: Approval and Transmit Comments to Montgomery County Department of Environmental Protection*

**BOARD ACTION**

**Motion:**                   **A. ANDERSON/WELLS-HARLEY**  
                                  **B. DREYFUSS/ANDERSON**

**Vote:**  
**Yea:**                   **A. 4-0**  
                                  **B. 4-0**

**Nay:**

**Other:**               **PRESLEY ABSENT**

**Action:**           **A. Approved the staff recommendation to approve the preliminary forest conservation plan, with revised conditions, as stated in the attached Board Resolution.**  
                          **B. Approved the staff recommendation to approve the mandatory referral, with comments, as stated in the attached Letter of Transmittal.**

Parks Department staff presented the mandatory referral review of the County Department of Environmental Protection (DEP) Hollywood Branch Stream Restoration Project and Planning Department staff presented the associated forest conservation plan, as detailed in the respective staff reports. Staff directed the Board’s attention to proposed condition 5 for the forest conservation plan, which requires an invasive species management plan. Staff said this refers to the removal of bamboo, which is on public right-of-way and private property. Because the homeowner has expressed the desire to retain the bamboo on the private property, staff proposes to delete that condition.

Ms. Beverly Trushel of 701 Midland Road, an affected property owner, offered comments.

There followed some discussion of various aspects of the project and the forest conservation plan and mitigation requirements, with Parks staff, Planning staff, and County DEP staff participating in the discussion and responding to questions from the Board.

**4. Roundtable Discussion**

**A. Planning Director's Report - Current efforts at the state wide level on infrastructure funding**

**B. Determining Non-Auto Mode Share for Staging Purposes** - Presentation by Sande

Brecher, MCDOT, on Annual Commuter Survey Results, Transportation Management District, and Non-Auto Driver Mode Share

**C. Bike Share Grant and Use of Funds for Public Amenity**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: A., B. Received reports and discussed.**

**C. By consensus, supported the Planning Department proposal to apply for a State Bike Share Grant to establish a program in downtown Silver Spring, including the use of identified public amenity funds, which were required in the approval of a plan in the Silver Spring Central Business District, as matching funds for that grant.**

**A. Planning Director's Report** – Planning Director Rollin Stanley briefed the Board on State-wide infrastructure funding efforts, including recommendations and ideas generated by the Blue Ribbon Commission on Transportation Funding and the Sustainable Growth Commission. This item was taken up out of order, prior to discussion of agenda Item 2.

**B. Determining Non-Auto Mode Share for Staging Purposes** – Ms. Sandra Brecher, County Department of Transportation (DOT), offered a presentation on the Annual Commuter Survey and how the results of the Survey are used to establish the Non-Auto Driver Mode Share baseline and monitor transportation management efforts to meet transportation staging goals for development in various master plan areas. Using sample survey areas, including the Life Sciences Center, Ms. Brecher discussed the types of data collected, response rate, challenges in terms of distribution and response, the Spring 2011 Survey findings, and how the findings are used.

**C. Bike Share Grant and Use of Funds for Public Amenity** – Planning Department staff briefed the Board on a State Bike Share Grant program, noting that staff proposes to apply for a grant to establish a bike share program in downtown Silver Spring. Staff noted that the grant will require matching funds from the County. Staff reported that there are public amenity funds that were required to be paid as a condition of approval of a plan in the Silver Spring Central Business District (CBD), for use in the CBD, and staff proposes to use those amenity funds as the matching funds for the grant, if the grant is approved. This item was taken up out of order, prior to discussion of agenda Item 2.