



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, December 10, 2009, at 9:30 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:15 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley and Commissioner Amy Presley. Commissioner Joe Alfandre was necessarily absent for the morning and afternoon sessions, joining the meeting at 7:00 p.m. for the evening Public Hearing.

At the start of the meeting, Chairman Hanson noted that Commissioner Alfandre is representing the Planning Board at the County Council Planning, Housing, and Economic Development Committee (PHED) meeting and will be absent, but will attend the Public Hearing for the Purple Line scheduled for the evening.

Items 1 through 3 are reported on the attached agenda.

The Board recessed at 12:45 p.m. for lunch and to take up Items 4 and 10 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 Presley, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Presley present and voting in favor of the motion, and with Commissioner Alfandre absent. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Sean Dixon, Tracey Harvin, David Lieb, Derrick Rogers, and Carol Rubin of the Legal Department; Director Mary Bradford, Doug Burton, Stephen Chandlee, Herb DeHoff, Andy Frank, Deputy Director Gene Giddens, John Hench, Deputy Director Mike Riley, and David Tobin of the Parks Department; Darien Manley of the Park Police; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and discussed issues related to Meadowbrook facilities and parks, and received a report and offered guidance to staff on an issue related to approved plans in Germantown and required participation in constructing road improvements.

The Closed Session was adjourned at 2:22 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:42 p.m. with the same three Commissioners present.

Items 11 and 5-7 are reported on the attached agenda. Item 8 was removed from the agenda.

The Board recessed at 3:45 p.m. and reconvened in the auditorium at 7:00 p.m., with all four Commissioners present, to hear testimony and receive evidence submitted into the record for Item 9, Public Hearing on the Purple Line Functional Plan. 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 9:15 p.m. The next regular meeting of the Planning Board will be held Thursday, December 17, 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, December 10, 2009, 9:30 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

***A. Adoption of Resolutions**

1. 8621 Georgia Avenue, Project Plan No. 920100010 - ADOPTION OF MCPB RESOLUTION No. 09-144
2. Mainhart Property, Site Plan No. 820070250 - ADOPTION OF MCPB RESOLUTION No. 09-143

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the Resolutions cited above.

***B. Records Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

Site Plan Amendment Review No. 82005012C, Baum Property, RT-8 zone; 6.30 acres; amendment to modify recreation phasing chart and access to tot lot, clarify light pole heights, eliminate masonry fence at lots 66-68 and replace with “skip laurels”; located on Joy Lane and Coletrane Drive; Damascus

Staff Recommendation: Approval of the Limited Amendment and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved staff recommendation for approval of the Limited Site Plan Amendment cited above, and adopted the Resolution.

***D. Approval of Minutes**

Minutes of October 29, 2009 meeting

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved Minutes of October 29, 2009 as presented.

2. Outdoor Adventure Sports Rope Climbing Facility (Go Ape)

- Proposal to provide sports facility at Rock Creek Regional Park.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved staff recommendation to proceed with the proposal.

In keeping with the December 1 technical staff report, Parks Department staff offered a multi-media presentation of the proposal to provide a sports facility at Rock Creek Regional Park. Staff discussed the proposal to create an outdoor adventure sports rope climbing facility “Go Ape” in Rock Creek Regional Park.

At the Board's request, Mr. Dan D'Agostino, a representative of "Go Ape, Inc.," a national adventure sports rope climbing company based in London, England, offered comments.

Ms. Patty Kane of Lake Terrace Street and Ms. Maria Wortman of Awelung Lane offered testimony.

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

In reply to the Board, Parks Department Director noted that the financial and management aspects should be discussed in Closed Session and staff will schedule a meeting with the Board to discuss the draft lease agreement.

3. Roundtable Discussion

1. Reforestation Bank – Parks Department staff are looking for guidance on whether or not to allow other County agencies, e.g., MCDOT) to establish a reforestation bank in the county park system;
2. Operating Funds Four Month Financial Report Including Projections to June 30, 2010;
3. Enterprise Funds Four Month Financial Report Including Projections to June 30, 2010;
4. Report on 2008 Census Update

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: 1.2.3. & 4. Received briefing and provided guidance.

1. REFORESTATION BANK – Parks Department staff are looking for guidance on whether or not to allow other county agencies, e.g., Montgomery County Department of Transportation (MCDOT), to establish a reforestation bank in the county Park System,

In accordance with the December 3 technical staff report, Parks Department staff presented a detailed multi-media presentation of a proposal to create a Reforestation Bank for Montgomery County.

At the Board's request, Mr. Daniel Sheridan and Ms. Sogand Seirafi representing the Montgomery County Department of Transportation, offered comments.

There followed extensive Board discussion regarding a future reforestation plan in association with county agencies, especially the Montgomery County Department of Transportation (MCDOT).

2. OPERATING FUNDS – Four-Month Financial Report including Projections to June 30, 2010

Mr. Alfred Warfield, Acting Secretary-Treasurer, and Finance Department staff discussed the four-month financial report for the period ending October 2009, and projections to June 30, 2010. Mr. Warfield noted that there will be some budget savings at the end of the fiscal year and the savings are from the operations budget, excluding grants, debt services, and reserves.

Parks Department Director noted that corrections were needed to the Parks budget submission and staff will sit down with Finance office staff to correct them.

There followed a brief Board discussion with questions to staff.

3. Roundtable Discussion

3. ENTERPRISE FUNDS - Four-Month Financial Report including Projections to June 30, 2010

Mr. Alfred Warfield and Finance Department staff discussed the four-month financial report for the period ending October 2009 and projections to June 30, 2010. Mr. Warfield discussed the tennis facilities and the ice-rink facilities revenues as well as the events center and the summer camps, which provided better revenues than forecasted.

4. REPORT ON 2008 CENSUS UPDATE

Research and Technology Division staff offered a multi-media presentation on the 2008 Census and a preview of the 2010 Census.

There followed extensive Board discussion with questions to staff.

Chairman Hanson noted that based on the volume of data available staff should not package it all in one report but should decide on a series of themes that are important and their implications for land use policy. The Chairman also added that staff should identify half a dozen themes and publish short reports, 10 pages or less, explaining the trends and how changes have occurred over time.

Staff will work with the Chairman in the next two weeks to prepare a presentation for the Board on how to disseminate this information in a useful manner.

4. Closed Session

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

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

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Roundtable Discussion

Operating Budget Update for FY11

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

Action: **Approved the staff recommendation to reduce the FY11 Planning Department proposed operating budget by \$420,000.**

Management Services Division Chief Alison Davis presented a recommendation to decrease the proposed FY11 operating budget for the Planning Department by deleting \$420,000 of discretionary increases, as detailed in the staff memorandum.

5. Preliminary Plan 120080420, Tischer Property – Parcel 617

RC zone; 13.8 acres; 2 lots and one outlot* requested; 2 one-family detached residential dwellings; located in the northwest quadrant of the intersection of MD Route 29 and Dustin Road; Cloverly.

Staff Recommendation: Approval with Conditions

***Corrected following publication**

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE ABSENT**

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

Development Review staff presented the proposal to create, using the optional cluster method of development, two lots for residential dwellings and one outlot to potentially provide for pipestems for future lots on abutting property to the north, as detailed in the distributed revised staff report. Staff pointed out that the existing house will be retained; access for both lots will be via an existing driveway to Dustin Road; and, in accordance with requirements of the optional method of development, 60.9 percent of the property will be retained under open space easements.

Mr. Al Blumberg and Ms. Petra Tischer, representing the applicant, concurred in the staff recommendation.

6. Preliminary Plan 120060810, Duck's End

Preliminary Plan 120060810, Duck's End, RDT zone; 28.23 acres; 3 lots requested, 2 of which are child lots; for 3 one-family detached residential dwellings, one of which is existing and will remain; located on Bucklodge Road, 500 feet east of White Store Road; Agricultural and Rural Open Space.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

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

Development Review staff presented the proposal to create three lots, two of which will be so-called child lots, as detailed in the staff report. Staff noted that the plan was revised several times, and one proposed lot was deleted, in efforts to preserve a large, farmable area.

Ms. Sue Carter, attorney, and Ms. Joanne Weber, the applicant, concurred in the staff recommendation and elaborated on the history of the property.

7. Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines

The Planning Board LATR and PAMR Guidelines are used for preparation and review of transportation impact studies for development to demonstrate adequacy of transportation facilities. Staff recommends changes needed to implement the 2009-2011 Growth Policy adopted by the County Council on November 10.

Staff Recommendation: Adopt New Guidelines

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the revised Local Area Transportation Review and Policy Area Mobility Review Guidelines.

Transportation Planning staff presented the revised Local Area Transportation Review and Policy Area Mobility Review Guidelines, updated to ensure consistency with the adopted 2009-2011 Growth Policy, as detailed in the staff report.

Discussion ensued concerning various revisions, with staff responding to questions from the Board and providing additional information as needed.

8. CANCELLED - FY11 Operating Budget Worksession

- A. CAS
- B. Commissioner's Office
- C. Planning
- D. Parks

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was removed from the agenda.

9. Public Hearing - Purple Line Functional Plan

(Public Testimony will be limited to 3 minutes per speaker; 2.5 hours total testimony)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

MCPB, 12-10-09, APPROVED

Action: **Heard testimony and received evidence submitted into the record.**

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