



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, February 5, 2015, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:12 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Natali Fani-González.

Commissioner Norman Dreyfuss joined the meeting at 9:10 a.m. and Commissioner Amy Presley joined at 9:20 a.m.

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 12:30 p.m. and convened in Closed Session at 12:38 p.m. to take up Item 7, a Closed Session Item.

The Board convened in Closed Session at 12:38 p.m. in the 3rd floor conference room on motion of Commissioner Presley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice and §3-305(b)(8), to consult with staff, consultant, or other individuals about pending or potential litigation.

Also present for the Closed Session were General Counsel Adrian Gardner; Associate General Counsels William Dickerson, Carol Rubin, David Lieb, Christina Sorrento, and Nicholas Dumais; Planning Department Director Gwen Wright; and James J. Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and advice from counsel regarding two pending litigations.

The Closed Session meeting was adjourned at 1:12 p.m.

There being no further business, the meeting was adjourned at 1:12 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 12, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 5, 2015
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. 220141230 Fari Estates

R-90 zone; 7 lots; located on the south side of East Randolph Road, 900 feet east of Fairland Road;
Fairland Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141490, Damascus Hills

RE-2C zone; 1 lot; located on the south side of Damascus Road, 3800 feet east of Woodfield Road;
Damascus Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220150120, Mill Creek South

R-90 zone, 2 lots; located at the northern terminus of Bounding Bend Court; Shady Grove Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZALEZ

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

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

***C. Other Consent Items**

A. North Bethesda Market II: Sketch Plan Amendment No. 32011003A, Preliminary Plan Amendment No. 12012006A, and Site Plan Amendment No. 82012004A

Correction of the combined staff report dated January 5, 2015, reviewed by the Planning Board on January 15, 2015, to incorporate a Project Data Table in the sketch plan findings section of the report, and clarify the proposed square footage of the proposed residential amenity space in the Project Data Table in the site plan findings section of the report.

Staff Recommendation: Approval and Adoption of Resolutions

Adoption of North Bethesda Market II Resolutions

1. North Bethesda Market II, Sketch Plan Amendment No. 32011003A, MCPB No. 15-009
2. North Bethesda Market II, Preliminary Plan Amendment No. 12012006A, MCPB No. 15-010
3. North Bethesda Market II, Site Plan Amendment No. 82012004A, MCPB No. 15-011

Staff Recommendation: Adoption of Resolutions

B. Inverness Homeowners Association

Consent to proposed Amendment to Declaration of Covenants

BOARD ACTION

Motion: A. WELLS-HARLEY/FANI-GONZALEZ
B. FANI-GONZALEZ/WELLS-HARLEY

Vote:

Yea: A. 3-0
B. 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: **A. Approved the Other Consent Items cited above and adopted the submitted Resolutions.**
 B. Approved the proposed Amendment to the Inverness Homeowners Association Declaration of Covenants, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 15, 2015

BOARD ACTION

Motion: **WELLS-HARLEY/FANI-GONZALEZ**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS, PRESLEY ABSENT**

Action: **Approved the Planning Board Meeting Minutes of January 15, 2015, as submitted.**

***2. Grace House: Preliminary Plan Amendment No. 11997023B (In Response to a Forest Conservation Violation)**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

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

In keeping with the January 22 technical staff report, Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment in response to a Forest Conservation Plan (FCP) violation for the Grace House project, an assisted living facility development.

Staff noted that the amendment is to allow the applicant to remove 0.99 acres of Category I Conservation Easement from Parcels 4 and 717 on a 7.07-acre property located on Norbeck Road in the Aspen Hill Master Plan area. The applicant will purchase 1.18 acres of credit at a Forest Mitigation Bank to compensate for the easement removal, and will complete the retention of 0.36-acre Category II Conservation Easement.

Mr. Donald Rohrbaugh of Site Solutions Inc., representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

3. Subdivision Staging Policy –Transportation Policy Area Review (TPAR) Update

Each even-numbered year, the Subdivision Staging Policy requires an updated evaluation of roadway and transit adequacy for each policy area

Staff Recommendation: Adopt the updated TPAR results

BOARD ACTION

Motion: PRESLEY/FANI-GONZALEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to adopt the updated Transportation Policy Area Review (TPAR) results, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the latest Transportation Policy Area Review (TPAR) update. Staff noted that during each even-numbered year, the County's Subdivision Staging Policy (SSP) requires an updated evaluation of roadway and transit adequacy for each policy area. The results derived from this evaluation are used to determine the applicable TPAR payment requirements for new development in the County. The TPAR payment requirements currently in place were established as an element of the 2012-2016 SSP adopted by the County Council on November 13, 2012, by Council Resolution 17-601. These requirements were intended to be in effect during the period January 1, 2013 through July 1, 2014. However, staff was unable to perform the analysis required to update the TPAR payment requirements in a timely manner. The delay was largely due to the unanticipated need for high level staff resources and the required staff support to the County Council's review of the White Oak Science Gateway Master Plan this past year. Staff recommended that the Planning Board adopts the TPAR adequacy results discussed during the meeting and in the January 29 technical staff report.

Mr. Steve Elmendorf, attorney, offered comments.

There followed a brief Board discussion with questions to staff.

4. Update on the work of the Transportation Impact Study Technical Working Group (TISTWG)

The TISTWG was formed to advise Planning Staff as they work to update and refine the Department's Local Area Transportation Review (LATR) process and procedures

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and an update on the work of the Transportation Impact Study Technical Working Group (TISTWG) regarding the County's Local Area Transportation Review (LATR) process and procedures.

Planning Department staff introduced Mr. Dan Hardy and Mr. Richard Kuzmyak of Renaissance Planning Group in Arlington, Virginia, who offered a multi-media presentation and discussed the Local Area Transportation Review (LATR) process and procedures for Montgomery County. Mr. Hardy noted that the Transportation Impact Study Technical Working Group (TISTWG) was formed to advise Planning staff on the work of updating and refining the Planning Department LATR process.

Mr. Dan Wilhelm of Cannon Road offered testimony.

There followed extensive Board discussion focusing on the existing pay and go system procedures, and the need for a new system of evaluating the impact of proposed development and requiring the construction of new roads or other amenities to accommodate that impact.

5. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director Report – Parks Department Director Michael Riley discussed the following on-going and upcoming Parks Department events: Introduction of the new Public Affairs and Community Partnerships Division Chief, Ms. Kristi Williams, and Community Outreach Coordinator Mr. Alex Girr-Borrayo; the Kensington Historic Buildings Workshop held last Saturday; meetings with Councilmembers and the County Executive to discuss the Parks Department’s work program; use of artificial turf on athletic fields and maintenance of Montgomery County Public Schools athletic fields; upcoming meeting with Councilmember Berliner to activate urban parks; positive feedback about urban trails, and upcoming revisions to the rules and regulations for park trails.

6. FY16 Resource Conservation Plan Presentation

Required annual presentation of the Resource Conservation Plan for FY16 - Presentation includes recycling, solid waste, and energy expenditures and budgeting forecast. Energy Management Consultant, Richard Anderson, from CQI Associates will lead the discussion

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing, and by consensus, approved the FY16 Resource Conservation Plan.

Parks Department staff and Mr. Richard Anderson of CQI Associates offered a multi-media presentation and briefed the Board on the comprehensive energy management program established in July 2003, which awarded the competitive bid contract to CQI Associates as a primary consultant for energy management, recycling, and a green parks program. Energy consumption and energy costs have been reduced as a result of projects and programs implemented by Commission staff with assistance from CQI Associates. Mr. Anderson discussed the Department of Parks and the Department of Planning comprehensive Resource Conservation Plan accomplishments as of October 2014, and the proposed plans for FY16 to conserve energy and water resources in the context of the Commission’s comprehensive plan.

There followed a brief Board discussion with questions to staff and Mr. Anderson.

7. Closed Session

According to MD ANN Code, General Provisions Article §3-305 (b)(7) to consult with counsel to obtain legal advice and §3-305 (b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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