



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, April 2, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:30 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Jean Cryor, and Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1 through 9 and Items 15 through 18 are reported on the attached agenda.

The Board recessed for lunch at 11:32 p.m. and to take up Items 17 and 18 in Open Session and Items 15 and 16, Closed Session Items, in the third floor conference room.

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 Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Cryor, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508 (a)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission employees, and §10-508 (a)(3) to consider acquisition of real property for a public purpose.

Also present for the Closed Session were: Secretary-Treasurer Patricia Colihan Barney, and Holly Sun of the Finance Office; Carol Rubin and Derrick Rogers Associate General Counsels of the Legal Office; Deputy Director Michael Riley, Mary Ellen Venzke, Bill Gries, April O'Neal, Karen Warnick, Gene Giddens, and Dominic Quattrocchi of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing and updates on the FY10 proposed Budget from the Secretary-Treasurer and Parks Department staff. The Board also received briefing on a proposed parkland acquisition for the Ten Mile Creek Greenway from Parks Department staff.

The Closed Session was adjourned at 1:40 p.m., and the Board reconvened in open session in the third floor conference room. The Board then received briefings from Planning Department Director Rollin Stanley and Community-Based Planning staff on the Takoma Park Master Plan, and from Parks Department staff on the status of the Silver Place Project.

The Board returned to the auditorium at 1:58 p.m.

Items 10 through 13 are reported on the attached agenda.

The Board recessed for dinner at 4:55 p.m. and reconvened at 7:00 p.m. for Item 14, the Joint Public Forum for the Department of Parks and Department of Recreation Proposed FY 11-16 Capital Improvements Program (CIP) Budget, as reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:30 p.m. The next regular meeting of the Planning Board will be held Thursday, April 9, 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, April 2, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Resolutions submitted for adoption.**

2. Record Plats

Subdivision Plat No. 220080520, Lake Potomac

RE-2 zone; 2 lots; located on the east side of Lake Potomac Drive, approximately 500 feet north of River Road (MD 190) Potomac.

Staff recommendation: Approval

Subdivision Plat No. 220082020, Damascus Ridge

RC zone; 3 lots, located on the west side of Ridge Road (MD 27), approximately 600 feet south of Kemptown Road (MD 80). Damascus.

Staff recommendation: Approval

Subdivision Plat No. 220090650, Aunt Hattie's Place

R-200 zone; 1 parcel, 1 outlot; located on the west side of Norwood Road, 300 feet south of Olney-Sandy Spring Road (MD 108) Sandy Spring-Ashton.

Staff recommendation: Approval

Subdivision Plat No. 220090840, Middlebrook Industrial Park

I-1 zone; 2 lots; located at the terminus of Amaranth Drive, approximately 1,000 feet east of Middlebrook Road. Germantown.

Staff recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

Action: **Approved staff recommendation for approval of Record Plats, as stated above.**

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items submitted for approval.

4. Approval of Minutes

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved Minutes of February 19, 2009, as presented.

5. Limited Site Plan Amendment No. 82005005A in response to a violation, The Enclave

R-H Zone; 25.60 acres; Amendment to revise the pool deck, grading, sidewalk locations, modifications to the fence at the rear of the community center and to remove some signs; located on Oak Leaf Drive at the intersection with US 29; White Oak Master Plan

Staff recommendation: Approval with Conditions

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

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

Development Review Division staff gave a brief presentation of the proposed amendment to the site plan for the Enclave apartments complex located on 25.60 acres at the intersection of Oak Leaf Drive and US29 in White Oak. Staff noted that the amendment is in response to a violation cited by staff, and the amendment is intended to revise the pool deck, grading, sidewalk locations, make modifications to the fence at the rear of the community center, and to remove some signs.

Mr. Scott Wallace, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and the applicant's representative.

6. Preliminary Plan No. 120061100, Stanmore (Hyde Property)

RNC zone; 50.93 acres; 19 lots requested; 19 one-family detached dwelling units, three existing to remain; located on the east side of Batchellors Forest Road, 400 feet south of Doctor Bird Road; Olney.

Staff Recommendation: Approval of 16 lots with conditions

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

Action: **Approved staff recommendation for approval of the proposed plan, subject to revised conditions discussed during the meeting, as stated in the attached Board Resolution.**

In accordance with the March 20 technical staff report, Development Review Division staff offered a multi-media presentation of the request to create 19 lots for 19 one-family dwelling units, with three existing units to remain, on a 50.03-acre property located on the east side of Batchellors Forest Road, 400 feet south of Doctor Bird Road in Olney. Staff noted that staff is recommending 16 lots instead of the 19 proposed by the applicant given the acreage of the property and added that this should be discussed at site plan review.

Mr. Steve Kaufman, attorney representing the applicant introduced members of the applicant team, offered a multi-media presentation and discussed the proposed project, and requested a modification to Condition 8 approving a waiver for a proposed sidewalk, and also requested that the Board approve 17 lots instead of the 16 proposed by staff at site plan review.

At the Board’s request, Transportation Planning Division staff offered comments regarding the applicant’s request for a waiver of the sidewalk requirement.

The following speakers offered testimony: Mr. Bill Mooney of Old Vic Boulevard and representing Lady of Good Counsel High School; and Mr. John Weske of Doctor Bird Road.

There followed a brief Board discussion with questions to staff, the applicant’s representative, and the speakers.

7. SRW 200901, West Chevy Chase

R-60 zone; 0.19 acres; 1 lot requested; 1 one-family detached residential dwelling; request to combine an existing lot and a post-1958 parcel through the minor subdivision process; located in the southeast quadrant of the intersection of De Russey Parkway and Morgan Street; Bethesda/Chevy Chase.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: **CRYOR/ROBINSON**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

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

Development Review Division staff presented the request to combine an existing lot and a post-1958 parcel through the minor subdivision process on a 0.19-acre property located in the

southeast quadrant of the intersection of De Russey Parkway and Morgan Street in Bethesda/Chevy Chase.

There followed a brief Board discussion with questions to staff.

8. Schematic Development Plan Amendment No: SDPA-09-2

Magruder Reed at Woodward Hall, LLC, applicant, requests amendment to delete the current Binding Element No. 5 that is restricting the ability to achieve an optimal site design, and instead provide the intended compatibility of the final site design through detailed commitments for Site Plan, RT-10 Zone; located at 17720 Washington Grove Lane, Gaithersburg

Staff recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved staff recommendation for approval.

A VERBATIM TRANSCRIPT FOR THIS ITEM IS ON FILE IN THE MONTGOMERY REGIONAL OFFICE IN SILVER SPRING, MARYLAND.

9. Closed Session -REMOVED

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was removed from the Agenda.**

15. Closed Session -ADDED

In accordance with State Government Article, Section 10-508(a)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

16. Closed Session -ADDED

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose (Ten Mile Creek Greenway)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

17. Briefing on the Takoma Park Master Plan -ADDED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department Director and Community-based Planning Division staff on the Takoma Park Master Plan.

18. Status of Silver Place Project -ADDED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Parks Department staff on the status of the Silver Place project.

10. [Preliminary Plan No. 11996019A, Winterset – Lot 46 \(Limited Amendment\)](#)

R-200 zone; 6.81 acres; 10 lots previously approved for 10 one-family detached residential dwellings; request to modify the forest conservation easement on existing Lot 46; located on Winterset Terrace, 600 feet east of Ambleside Drive; Potomac.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: A. HANSON/ROBINSON

Vote:

Yea: A. 3-0-1

Nay:

Other: CRYOR ABSTAINED; ALFANDRE ABSENT

Action: A. Directed staff to prepare an amendment to the Forest Conservation Plan to replace the Category I easement with a Category II easement with appropriate boundaries and appropriate planting requirements to provide canopy along Glen Road and other plantings in the easement area; and to require mitigation in the form of protecting an area in a forest mitigation bank at a rate of 4:1, as calculated by staff.

B. By unanimous consent, continued the hearing, directing staff to bring the amendment to the Board for final review and action within 30 days.

Development Review and Environmental Planning staff presented the proposed limited amendment to modify the Forest Conservation Plan to remove the Category I conservation easement on the property and to mitigate the loss of the easement by retaining 1.61 acres of existing forest in a forest mitigation bank, as detailed in the staff report. Staff noted that the conservation easement has not fulfilled its intention and there has been encroachment into it.

Mr. Steve Robins, attorney, introduced Mr. Ramiro Paez, the applicant, and discussed issues related to the easement.

Ms. Cynthia Fain of Rockville and Ms. Ginny Barnes, representing the West Montgomery County Citizens Association, offered comments.

There followed considerable discussion of the intent and effectiveness of the designated conservation easement; the encroachment into the easement on the property, including development for which building permits were issued; the Forest Conservation Plan for the entire subdivision, the Category I easements placed on other lots in the subdivision, and encroachments into those easements; the issue of setting precedent by removing or amending an established Category I easement; and methods to achieve the intent of the easement, to provide tree planting along Glen Road and elsewhere on the property.

11. [Housing Functional Master Plan](#)

Limited amendment to the Montgomery County General Plan to address the range of housing needs of County residents and help increase and preserve the County's stock of affordable housing.

Staff recommendation: Approve Public Hearing Draft and set public hearing date

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: A. Following a brief presentation by Planning Department staff, the Board provided editorial guidance to staff, approved the draft for release, and set the Public Hearing for the evening of May 14, 2009.

B. By consensus, agreed to reschedule the Public Hearing to the evening of May 21, 2009, when it was noted that there is a speaker scheduled for the evening of May 14.

12. [Program Briefing: 2008 Revenue Authority Annual Report on the Park's Golf Course](#)

Provide an overview of the key operational items of the Park's Courses from the previous year. (No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received the report.

Mr. Keith Miller, Executive Director of the Revenue Authority, provided the annual report on the operation of the Commission's four golf courses, as required under the lease.

13. Roundtable Discussion

- A. Commissioners' Reports**
- B. Director's Reports**
- C. County Council Activity**
- D. CIP Process and FY 11-16 CIP Schedule**
- E. SilverPlace Plan**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: D. Received briefing.

A. Commissioners' Reports—None.

B. Director's Reports—None.

C. County Council Activity—None.

D. CIP Process and FY 11-16 CIP Schedule—Parks Department staff provided an overview of the Capital Improvements Program (CIP) process and schedule, in preparation for the public forum on the evening agenda.

E. SilverPlace Plan—This item was taken up earlier in the day as Item 18.

14. Joint Public Forum for the Department of Park's and Department of Recreation's Proposed FY 11-16 Capital Improvements Program (CIP) Budget

Joint public forum hosted by Montgomery County Planning Board and Montgomery County Recreation Advisory Boards.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

County-Wide Recreation Advisory Board members and Regional Recreation Advisory Board Representatives Mr. James Krzyminski, Ms. Arquilla Ridgell, Mr. Tim Truman, Mr. Mark Pharoah, and Mr. Fritz Hirtz participated with the Planning Board in receiving testimony.

After introductions and opening remarks by Chairman Hanson about the Capital Improvements Program (CIP) process and schedule, Parks Department staff provided an overview of the parks system and the CIP, and Mr. Gabriel Albornoz, Director of the Department of Recreation, provided an overview of that Department's current and ongoing CIP projects.

Ms. Jerilyn Ray-Shelley, Mr. Paul Lofgren, Ms. Valerie Oliver, and Mr. Mark Pharoah, representing, respectively, the Down County, Mid-County, Up County, and Eastern County Recreation Advisory Boards, provided comments and recommendations.

The following speakers also provided comments: Mr. Bruce Williams, Mayor, City of Takoma Park; Mr. Byrne Peake, representing the Woodmoor-Pinecrest Citizens Association; Ms. Kathie Hulley, representing the Clarksburg Civic Association; Mr. Lou Sousa, representing Friends of Little Bennett Park; Mr. Casey Anderson; Mr. Daniel Crowe; Mr. Deepak Srinivasan, representing the Boyds Cricket Club; Mr. Cherian Eapen; Ms. Judy Koenick; Mr. Joe Fritsch; Mr. Richard Denton; Mr. Matthew Tifford, representing the Randolph Civic Association; Ms. Heather Phipps, representing the North Hills of Sligo Civic Association; and Mr. Austin Steo, representing the Trail Conservancy.