



**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 23, 2015, at 2:06 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:44 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss, Amy Presley, and Natali Fani-González.

At the start of the meeting, Chair Anderson welcomed all those present who were participating in the Commission “National Bring Your Child to Work Day” event.

Item 1 is reported on the attached agenda.

The Board convened in Closed Session at 2:17 p.m. to take up Item 7, a Closed Session Item.

In compliance with State Government Article §3-305(a), Annotated Code of Maryland, the following is a report of the Board’s Closed Session:

The Board convened in Closed Session on Thursday, April 23, 2015, in the Auditorium at 2:17 p.m., on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, 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 legal counsel to obtain legal advice.

Also present for the Closed Session were Director Gwen Wright, Deputy Director Rose Krasnow, Khalid Afzal, Carlton Gilbert, and Glenn Kreger of the Planning Department; Associate General Counsel Carol Rubin of the Legal Department; and James Parsons of the Commissioners’ Office.

In Closed Session the Board received legal advice and discussed proposed Development Plan Amendment 15-01 an Item on the Planning Board Agenda.

The Closed Session meeting was adjourned at 2:39 p.m.

The Board reconvened in the Auditorium at 2:43 p.m.

Items 2 through 5 are reported on the attached agenda.

The Board recessed for dinner at 5:29 p.m., and reconvened in the auditorium at 7:08 p.m. to take up Item 6, a forum on the proposed Parks Department FY16-21 Capital Improvements Program (CIP). There was no Technical Writer present for this Item.

There being no further business, the meeting was adjourned at 8:44 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 30, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, April 23, 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. 220141150, Cabin Branch**

MXPD zone, Roadway Dedication for Gosnell Farm Drive between existing and relocated Clarksburg Road (MD 121); Clarksburg Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220141590, Horizon Hill**

RE-2 zone, 2 lots, located at the terminus of Red Barn Lane; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220150820, Potomac Ridge**

R-200 zone, 1 lot; located on the north side of Travilah Road, 175 feet west of Natia Manor Drive; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**               **PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

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

**\*C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **There were no Other Consent Items submitted for approval.**

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of April 2, 2015

**BOARD ACTION**

**Motion:**               **WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Approved Planning Board Meeting Minutes of April 2, 2015, as submitted.**

**7.       CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

**The topic to be discussed is proposed Development Plan Amendment (DPA) 15-01**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**2. Roundtable Discussion**

A. Planning Director's Report

B. Briefing on the Greater Baltimore Wilderness Coalition Accord

*Staff Recommendation: Review prior to a Full Commission briefing and vote scheduled for May 20, 2015*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** A. Received briefing.  
B. Received briefing.

**A. Planning Department Director's Report** – Planning Department Director Gwen Wright briefed the Board on the following Planning Department events and activities: the recently completed [Downtown Silver Spring Design Excellence Tour video](#); the status of the Bethesda Downtown Plan, with a completed staff draft scheduled for May, and a Planning Board public hearing scheduled for late June; the Westbard Plan community meeting, attended by approximately 200 people, held on Wednesday, April 22; the status of the Greater Lyttonsville Plan, and a community meeting scheduled for Wednesday, April 29 at 6:30 p.m. at the Gwendolyn E. Coffield Recreation Center in Silver Spring; the status of the continued work on the Montgomery Village and the White Flint II Plans; the first

meeting regarding the Bicycle Master Plan held on Monday, April 20, which focused on the areas surrounding the proposed Corridor Cities Transitway; the second FY16 budget worksession with the Planning, Housing, and Economic Development Committee scheduled for Monday, April 27, and the status of ongoing individual budget meetings with County Council members; the recent American Planning Association National Conference in Seattle, Washington, at which Planning Department staff accepted the Award of Excellence for the Pike and Rose development in White Flint; the first advisory group meeting of the Rental Housing study, which is scheduled for Monday, April 27; and the Affordable Housing Conference scheduled for Monday, May 4.

There followed a brief Board discussion, during which Commissioner Dreyfuss recommended that Planning Department staff attend a local International Council of Shopping Centers convention in order to keep abreast of current retail trends.

## 2. Roundtable Discussion

### CONTINUED

**B. Briefing on the Greater Baltimore Wilderness Coalition Accord:** Planning Department staff offered a multi-media presentation and discussed a Greater Baltimore Wilderness Coalition (GWBC) regional green infrastructure resilience study, which includes the portion of Montgomery County within the Patuxent River Watershed area. GWBC is an unincorporated volunteer association dedicated to sound environmental practices. The study focuses on coastal resiliency and the effects of sea level rise and extreme weather events on the Patuxent River Watershed. GBWC is requesting that the Commission sign the Greater Baltimore Wilderness Accord, which endorses environmental resiliency, biodiversity, equity, discovery, and engagement. The Accord is scheduled to be presented to the Prince George's Planning Board on Thursday, April 30, and to the Full Commission on Wednesday, May 20. By signing the Accord, the Commission will join with other agencies that have partnered with GWBC, including the U.S. Forest Service, the U.S. Department of Interior, the U.S. Fish and Wildlife Service, and the Maryland Department of Natural Resources, among others.

There followed a brief Board discussion.

## 3. Adoption of the Aspen Hill Minor Master Plan Amendment

Request approval of the Montgomery County Planning Board Resolution of Adoption for Transmission to the Full Commission

*Staff Recommendation: Approve Resolution and Transmission*

### BOARD ACTION

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** **Approved staff recommendation for approval of the attached Resolution for Aspen Hill Minor Master Plan Amendment to be transmitted to the Full Commission for adoption.**

**4. Forest Conservation Fees**

Forest Conservation In-Lieu Fees and Administrative Civil Penalty Rate, County Resolution 15-1271 requires the Planning Board to revise the in-lieu fee and administrative civil penalty rate before May 1 of each odd numbered year

*Staff Recommendation: Approval and Adoption of Resolution*

**BOARD ACTION**

**Motion:** **DREYFUSS/PRESLEY**

**Vote:**

**Yea:** **5-0**

**Nay:**

**Other:**

**Action:** **Approved staff recommendation for approval and adopted the submitted Resolution.**

**5. Monument Realty LLC**

**B. Preliminary Forest Conservation Plan (PFCP)** - request for an amendment to the existing Development Plan to construct up to 86 townhouses (75 market rate units and 11 MPDUs) on approximately 17.3 acres of land in the Town Sector (T-S) Zone; located in the northeastern portion of the former Montgomery Village Golf Course between Montgomery Village Avenue and Arrowhead Road; within the Gaithersburg Vicinity Master Plan area

*Staff Recommendation: Approval with Conditions*

**A. Monument Realty LLC, Development Plan Amendment DPA 15-01** - request for an amendment to the existing Development Plan to construct up to 86 townhouses (75 market rate units and 11 MPDUs) on approximately 17.3 acres of land in the Town Sector (T-S) Zone; located in the northeastern portion of the former Montgomery Village Golf Course between Montgomery Village Avenue and Arrowhead Road; within the Gaithersburg Vicinity Master Plan area

*Staff Recommendation: Deferral/Denial*

**(Action required for Hearing by Hearing Examiner on May 8, 2015)**

**BOARD ACTION**

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

**Vote:**  
      **Yea:**                **B. 5-0**  
                                  **A. 5-0**

**Nay:**

**Other:**

**Action:**            **B. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions, and adopted the attached Resolution.**  
                                  **A. Approved staff recommendation to transmit a recommendation of deferral regarding DPA 15-01 to the Hearing Examiner, as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Forest Conservation Plan (PFCP) request and the associated proposed Development Plan Amendment DPA 15-01 regarding the construction of a townhouse development on the site of the former Montgomery Village Golf Course. The 17.3-acre property is located on Montgomery Village Avenue, 2.4 miles north of the intersection of Frederick Road (MD 355), and bounded by Arrowhead Road to the east. The site is being reviewed as zoned Town Sector within the 1985 Gaithersburg Vicinity Master Plan (GVMP) area. Staff noted that the approval of the PFCP is contingent on the approval of the DPA; if the Hearing Examiner does not approve

**5. Monument Realty LLC**

**CONTINUED**

the proposed DPA, staff cannot recommend approval of the PFCP. The site remains much as it was when the golf course ceased operations in October 2014, with the majority of the area consisting of grass and vegetation. Although no forests exist on the site, a number of existing trees along both sides of the fairways have grown to specimen size, with a diameter of 30 inches or greater at breast height. Staff noted several constraints to development of the site, particularly the existence of a mapped Federal Emergency Management Agency 100-year flood plain and Washington Suburban Sanitation Commission utility easements on portions of the property. Staff noted that prior to approval of any development for those areas, the applicant must have the floodplain designation and utility easements removed. The applicant proposes planting 2.86 acres of forest in seven on-site areas and to record Category II easements over those areas. The applicant is also seeking approval of a variance request to remove 10 trees from the site and impact nine additional trees. Staff noted that the PFCP requires review by a County arborist.

The proposed DPA is an application requesting approval to construct up to 86 three-story townhouse units, including 75 market-rate units, and 11 Moderately Priced Dwelling Units (MPDUs). The applicant proposes three points of access to the site, a north and a south access from Montgomery Village Road, and a third access from Arrowhead Road. Although the site currently falls within the 1985 GVMP area, staff noted that it will eventually be subject to the requirements of the Montgomery Village Master Plan (MVMP), for which a study is currently underway. Staff noted that a 1985 GVMP



fold-out map designated the proposed project site for private conservation/recreation use. Because the proposed DPA is not compliant with the land use requirements of the current Master Plan, staff recommended that the Planning Board transmit a recommendation of denial or deferral to the Hearing Examiner. Staff also stated that a public hearing should be postponed pending the completion of the MVMP.

Ms. Erica Leatham, attorney representing the applicant discussed the proposed DPA request, and did not agree with the staff recommendation.

Mr. Russell Hines, member of the applicant's team, offered comments and noted that the Montgomery Village Foundation (MVF) Board of Directors supports the proposed development.

Mr. Eric Aulestia, member of the applicant's team, also offered comments.

Mr. Josh Sloan, member of the applicant's team, offered comments, and noted that the proposed development will exceed current Open Space requirements.

Mr. John Driscoll, representing MVF, offered comments and stated that the community wants the proposed development.

The following speakers offered testimony: Ms. Kelly Leonard of Darlington Drive; Mr. Bob Hydorn of Chatteroy Place; Mr. Frank Mondell of Chatteroy Place; Mr. Nathan Timm of Greenside Terrace; Mr. David Lechner of Bethany Place; Ms. Margie DeFino of Duffer Way; Mr. Robert Portanova of Canadian Court; Mr. Theodore Pappas of Duffer Way; Mr. Ricardo Camacho of Wayridge Drive; Ms. Katherine Webb of Battey Bend Place; and Ms. Victoria Giorgi of Mills Choice Road.

## **5. Monument Realty LLC**

### CONTINUED

There followed extensive Board discussion with questions to staff, Ms. Leatham, and Mr. Sloan.

To clarify the Planning Department position, staff noted the County Council decision that development should be reviewed and approved utilizing the Master Plan process. Staff also noted that when a Development Plan is amended, the plan must remain consistent with land use requirements set forth in the current Master Plan. Staff recommended that the applicant refrain from submitting an application until the MVMP has been approved, which will only delay the project by six months.

Chair Anderson agreed that the Master Plan process must be adhered to and concurred with the staff recommendation.

## **6. PARKS CIP FORUM**

Briefing on the Proposed Parks Department FY16-21 Capital Improvements Program (CIP)

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

MCPB, 4-23-15, APPROVED

**Other:**

**Action:       Received briefing.**

**This Item was not covered by a Technical Writer.**