



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, May 19, 2011, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:50 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Joe Alfandre joined the meeting at 9:10 a.m.

Items 1 through 4 are reported on the attached agenda.

The Board recessed at 1:17 p.m. for lunch and to take up Item 8 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 1:25 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion. Commissioner Alfandre was absent from the Closed Session. 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 David Lieb and Carol Rubin of the Legal Department; Director Rollin Stanley and Richard Weaver of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on procedural issues related to the review, scheduled for May 26, of Preliminary Plan No. 120050740, Hilltop Farm, which was remanded by the Courts.

The Closed Session was adjourned at 2:30 p.m.

The Board reconvened in the auditorium at 2:40 p.m.

Items 5 through 7 are reported on the attached agenda.

MCPB, 5-19-11, APPROVED

There being no further business, the meeting was adjourned at 3:50 p.m. The next regular meeting of the Planning Board will be held Thursday, May 26, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 19, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Mess Property Preliminary Plan 120100310 - ADOPTION OF MCPB RESOLUTION No. 11-37
2. Kensington Heights Preliminary Plan 120100290 – ADOPTION OF MCPB RESOLUTION No. 11-28
3. A-305 Snowden Farm Parkway Water Quality Plan MR2010814 – ADOPTION OF MCPB RESOLUTION No. 10-178
4. Willerburn Acres Preliminary Plan 120110110 – ADOPTION OF MCPB RESOLUTION No. 11-39

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the Resolutions as stated above.

***B. Record Plats**

1. Subdivision Plat No. 220110150, Moxley Estates; RDT and R-200 zones; 2 lots; located in the southeast quadrant of the intersection of Bethesda Church Road and Clarksburg Road; Damascus.

Staff Recommendation: Approval

2. Subdivision Plat No. 220110490, Kensington Heights; R-60 zone; 2 lots; located on the north side of Decatur Avenue, 100 feet east of Pearson Street; Kensington-Wheaton.

Staff Recommendation: Approval

3. Subdivision Plat No. 220110750, Oakmont; R-60 zone; 1 lot; located on the south side of Oak Place, 875 feet west of Old Georgetown Road (MD 187); Bethesda - Chevy Chase.

Staff Recommendation: Approval

4. Subdivision Plat No. 220110820, West Chevy Chase; R-60 zone; 1 lot; located on the north side of Drummond Avenue, approximately 2,300 feet west of Wisconsin Avenue (MD 355); Bethesda - Chevy Chase.

Staff Recommendation: Approval

5. Subdivision Plat No. 220110920, Rosedale Park; R-60 zone; 1 lot; located on the north side of Maple Avenue, 75 feet east of Maryland Avenue; Bethesda-Chevy Chase.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the Record Plats cited above.

***C. Other Consent Items**

4900 Fairmont Corrected Resolution Project Plan No. 920070030 - ADOPTION OF MCPB CORRECTED RESOLUTION No. 07-219

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted Corrected Resolution 07-219, as stated above.

***D. Approval of Minutes**

Minutes of April 21, 2011

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the minutes of April 21, 2011, as presented.

2. Reconsideration Request for Downcounty Consortium School #29 (McKenney Hills)

Final Forest Conservation Plan No. MR2010720; MCPB Resolution No. 11-19

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There was no motion to reconsider.

Legal Counsel to the Board presented a submitted request to reconsider the approval of the final forest conservation plan for the Downcounty Consortium School #29 (McKenney Hills), as set forth in the staff report.

3. GSSC Implementation Advisory Committee

Staff Recommendation: Appoint New Members of Great Seneca Science Corridor Implementation Advisory Committee

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to appoint Robert Singman and Jeff Weber as additional community members and to replace Manisha Tewari with Mayor Phyllis Marcuccio as the City representative on the Great Seneca Science Corridor Implementation Advisory Committee.

Planning Department staff presented requests from the City of Rockville to appoint Robert Singman, representing the Rockshire Homeowners Association, and Jeff Weber, representing the Homes at Falls Grove, to the Great Seneca Science Corridor Implementation Advisory Committee and replace City planning staff member Manisha Tewari with Mayor Phyllis Marcuccio as the City representative, as stated in the staff report.

4. Local Map Amendment No. G-892 for the Chelsea School

Application to rezone the property from R-60 to RT-15 for 77 dwelling units including 76 townhouses and 1 existing structure; 5.25 acres; located at 630 Ellsworth Drive in Silver Spring; Silver Spring
Staff Recommendation: Approval

(Action Required for Hearing by the Hearing Examiner on 5/26/11)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-1

Nay: PRESLEY

Other:

Action: Approved the staff recommendation to approve, subject to revised binding elements on the schematic development plan, as stated in the attached Letter of Transmittal.

Planning Department staff presented the request to rezone 5.25 acres from R-60 to R-T 15, to replace the existing Chelsea School facilities with residential infill redevelopment consisting of up to 76 townhouses, as detailed in the staff report. Staff discussed the recommendations of the master plan and reviewed various aspects of the schematic development plan, noting that the historic Riggs-Thompson house and grounds will remain.

Mr. Bob Youngentob, of the applicant company, offered comments about his vision for the project and Mr. Miguel Iarola presented a detailed review of the schematic development plan. Mr. Bob

Harris, attorney representing the applicant, discussed the master plan and the requirements for rezoning to the R-T Zone. He also distributed a revised list of binding elements for the schematic development plan to address issues raised by the community.

At the request of the Chair, historic preservation staff elaborated on the staff memorandum about the historic Riggs-Thompson house, the environmental setting for the historic resource, and concerns related to the possible removal of a section of the building and the alignment of the proposed private street through the environmental setting as shown on the schematic development plan. Staff noted that Historic Area Work Permits would be required for both, which may or may not be approved by the Historic Preservation Commission.

The following speakers offered comments on the proposed rezoning: Mr. David Brown, attorney, and Ms. Kathleen Samiy, representing Seven Oaks Evanswood Citizens Association; Mr. Michael Gurwitz, owner of confronting property; Ms. Jean Cavanaugh of Worth Avenue; Mr. John Millson, owner of confronting property; Mr. James Eisenmann, owner of confronting property; Mr. Brian Gray of Mayfair Place; Mr. Tom Armstrong of Greenbrier Drive; Ms. Victoria Bruno of Dartmouth Avenue; Ms. Liz Brent of Mayfair Place, speaking on her own behalf and reading into the record comments from Mr. Ken Fuller of Flower Avenue; Ms. Vicki Warren of Pershing Drive; Ms. Song Volk, owner of abutting property; Ms. Victoria Pierce of Pershing Drive; Ms.

4. Local Map Amendment No. G-892 for the Chelsea School

Anne Spielberg of Greenbrier Drive; Ms. Leslie Hansley of Ellsworth Drive, speaking on her own behalf and reading into the record comments from Ms. Martha Slagle and Mr. Tom Slagle, owners of confronting property; Mr. Jim Humphrey, representing the Montgomery County Civic Federation; Ms. Nancy Schwiesow of Windsor Street; Ms. Leslie Downey, of Ashford Road; Mr. Jonathan Jay of Woodside Parkway; Mr. Charles Savoye of Pershing Drive; Mr. Robert McGaughy of Springvale Lane; Mr. Marcus Corbin of Springvale Lane; Ms. Ellen Bogage, reading comments into the record from Ms. Franca Posner of Woodside Parkway and Mr. Ryan Biedlingmaier of East Wayne Avenue; Mr. David DeGrazia of Ellsworth Drive; Ms. Roberta Bowman, owner of confronting property; Ms. Cheryl Cort, representing the Coalition for Smarter Growth, the Washington Sustainable Growth Alliance, and the ULI Terwilliger Center for Workforce Housing; Ms. Lorraine Pearsall, representing Montgomery Preservation, Inc.; Mr. Clifford Lutz of Woodside Parkway; and Ms. Maria Schmit of Springvale Road. Due to time constraints, no further testimony was accepted, but the following speakers were permitted to state their names for the record and indicate whether they supported or opposed the proposed rezoning: Ms. Constance Pena, Ms. Elizabeth Natsios, Mr. Robert Bacon, Mr. Jonathan Bernstein, Mr. Matt Engle, Ms. Ellen Bogage for Mr. Lewis Winarsky, and Ms. Joan Bissel.

There followed considerable discussion about the historic house and its environmental setting; the alignment of the private street and the relative merits of creating a street connection through the site; the intent of the master plan; the appropriate density; and binding elements on the schematic development plan, including the need for binding elements related to maximum height, minimum setbacks, and parking.

In voting against the motion, Commissioner Presley expressed the view that the master plan upheld the continuation of the R-60 Zone and associated density. She also noted that the master plan recommended a 1.4-acre environmental setting for the historic Riggs-Thompson house, in the event the then-pending Chelsea School special exception petition was not approved, and she suggested that when the School use is removed, the environmental setting should revert to the recommended 1.4 acres.

8. 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 State citation and open session report in narrative minutes.

5. Kensington Fire Station #25

***A. Forest Conservation Plan:** Northeast Quadrant of the intersection of Connecticut Avenue (MD 185) and Bel Pre Road, PRC Zone, Aspen Hill Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2011205-DGS-1

Staff Recommendation: Approval to Transmit Comments

BOARD ACTION

Motion: A. DREYFUSS/PRESLEY
B. DREYFUSS/PRESLEY

Vote:

Yea: A. 5-0

B. 5-0

Nay:

Other:

Action: A. Approved the staff recommendation to approve the forest conservation plan, as stated in the attached Board Resolution.

B. Approved the staff recommendation to approve the mandatory referral and comments, as stated in the attached Letter of Transmittal.

Planning Department staff presented the mandatory referral review and the forest conservation plan for the proposed renovation and expansion of Kensington Fire Station #25, as detailed in the two

respective staff reports. The project construction will be phased, to allow continual operation of the facility during the renovation.

Mr. Ernest Lunsford, representing County Department of General Services (DGS), concurred in the staff recommendation.

6. Weller Road Elementary School Modernization

***A. Forest Conservation Plan:** North side of Weller Road, west of Georgia Avenue (MD Route 97), between Valleywood Drive and Connecticut Avenue (MD Route 185), R-60 Zone, Master Plan for the Communities of Kensington-Wheaton

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2011204-MCPS-1

Staff Recommendation: Approval to Transmit Comments

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the forest conservation plan, as stated in the attached Board Resolution.**

B. Approved the staff recommendation to approve the mandatory referral and comments, as stated in the attached Letter of Transmittal.

Planning Department staff presented the mandatory referral review and the forest conservation plan for the proposed expansion and modernization of the Weller Road Elementary School, as detailed in the two respective staff reports. The project will consist of demolishing a portion of the existing school and constructing a new school on the same site. With regard to the forest conservation plan, staff noted a preference for satisfying the offsite tree planting requirements on the abutting Loiederman Middle School site, to create tree canopy, rather than creating an isolated strip of forest on the subject site.

Mr. Ray Marhamati, representing Montgomery County Public Schools (MCPS), concurred in the staff recommendation, including the proposed planting on the abutting middle school site.

7. Roundtable Discussion

A. Planning Director's Report

B. Operating Funds Nine Month Financial Report Including Projections to June 30, 2011.

C. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2011.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings as stated below.

A. Planning Director's Report—There was no Planning Director's Report.

B. Operating Funds—Secretary-Treasurer Joseph Zimmerman presented the nine month financial report for the period ending March 31, 2011, with projections to June 30, 2011, for the Operating Fund, in keeping with the staff report.

C. Enterprise Funds—Secretary-Treasurer Joseph Zimmerman presented the nine month financial report for the period ending March 31, 2011, with projections to June 30, 2011, for the Enterprise Fund, in keeping with the staff report.