



**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 31, 2012, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:10 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Prior to taking up the morning agenda items, Commissioner Presley presented a video and commentary of Parks Department staff, called in at her request for assistance, rescuing a mother duck and seven baby ducklings who had stopped traffic in the drive aisle at Milestone Shopping Center as they tried to cross the parking lot, looking for a safe haven. In the course of the rescue, they found three more baby ducks that had fallen through a heavy storm drain grate. The mother duck and all ten ducklings were rescued and released at the lake in Black Hill Regional Park. Commissioner Presley thanked Natural Resources staff Rob Gibbs and David Peterson for their work above and beyond the call of duty.

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 12:27 p.m. for lunch and to take up Items 7, 14, and 15 in Closed Session. Closed Session Item 8 was removed from the agenda.

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 12:40 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto; §10-508(a)(7), to consult with counsel to obtain legal advice; and §10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for all or part of the Closed Session were Associate General Counsels David Lieb and Carol Rubin, and law clerk Jess Robinson of the Legal Department; Callum Murray of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Counsel for legal advice about the Private Institutional Facilities (PIF) policy in the County Comprehensive Water Supply and Sewerage Systems Plan, received a briefing from the Chair on issues related to possible relocation of the Commission Montgomery Regional Office and Parks Headquarters to Wheaton, and approved submitted Closed Session minutes.

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

The Board reconvened in the auditorium at 2:35 p.m.

Items 9, 10, and 11 are reported on the attached agenda.

The Board recessed for dinner at 6:20 p.m. and reconvened in the auditorium at 7:30 p.m.

Item 12 is reported on the attached agenda. Item 13 was postponed.

There being no further business, the meeting was adjourned at 10:10 p.m. The next regular meeting of the Planning Board will be held Thursday, June 7, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, May 31, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Brookeville Preserve Preliminary Plan 120110070 - MCPB No. 12-40
2. Brookeville Preserve Site Plan 820120030 – MCPB No. 12-41
3. Woodmont/7200 Project Plan 92007007B – MCPB No. 12-66
4. Woodmont/7200 Preliminary Plan 12007020B – MCPB No. 12-67
5. Woodmont/7200 Site Plan 82009008A – MCPB No. 12-68

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

**Action:**           **Adopted the Resolutions, as stated above.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220120830, Batchellors Forest**; RC RNC zone, 1 parcel; located on the east side of Batchellors Forest Road, approximately 2,000 feet north of Notley Farm Road; Olney Master Plan. **(REVISED)**

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220121090, Plaza Gardens**; TS-R zone, 1 lot; located on the western side of the intersection of Veirs Mill Road (MD 586) and Georgia Avenue (MD 97); Wheaton Sector Plan.

*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220121510, Glen Echo Heights/Tulip Hill**; R-90 zone, 2 lots; located in the southeast quadrant of the intersection of Bent Branch Road and Mohican Road; Bethesda Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Approved the Record Plats, as stated above.**

Legal Counsel called the Board’s attention to a submitted request to sever Subdivision Plat No. 220120830, Batchellors Forest, from the Consent Agenda and briefed the Board on the Rules of Procedure related to the Consent Agenda. Counsel noted that an item can be severed from the Consent Agenda if a Board member moves to sever it. If an item is severed, the Board may discuss the item, take separate action on the item, or schedule a public hearing. There was no motion to sever Subdivision Plat No. 220120830, Batchellors Forest, from the Consent Agenda, and it was approved with the other Plats.

**\*C. Other Consent Items**

1. **[Sketch Plan No. 320120050, Camden Shady Grove Review Extension Request;](#)**

Commercial/Residential zones; 7.62 acres; 498,072sf of mixed use development; located on the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive; Great Seneca Science Corridor Sector Plan area.

*Staff Recommendation: Approval*

2. **[Sketch Plan No. 320120040, White Flint Mall Redevelopment Review Extension Request;](#)**

Commercial/Residential zones; 45.33 acres; 5,466,093sf of mixed use development; located on Rockville Pike east of Security Lane; White Flint Sector Plan area.

*Staff Recommendation: Approval*

3. **[Preliminary Forest Conservation Plan including a Tree Variance to remove existing specimen trees for Local Map Amendment G-909, Glen Aldon;](#)** for PD-100 Zone (with an alternative category for PD-88 Zone), 5.67264 acres, located at 4857, 4858, 4890 and 4900 Battery Lane, east of the intersection with Woodmont Avenue; Bethesda CBD (Central Business District) **(REVISED)**

*Staff Recommendation: Approval of the Preliminary Forest Conservation Plan and Draft Adoption of Resolution*

**BOARD ACTION**

**Motion:**                    **WELLS-HARLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**       **Approved the Other Consent Items, as stated above.**

**\*D. Approval of Minutes**

~~Minutes of April 19, 2012~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **There were no minutes submitted for approval.**

**2.     [Subdivision Staging Policy](#)**

Preliminary Recommendations on the Schools Test, Adequate Public Facilities Approval Trading

**BOARD ACTION**

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

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Approved the staff recommendation to accept the results of the schools test for FY2013, as calculated by Montgomery County Public Schools staff.**

Planning Department staff presented preliminary recommendations for changes to the Subdivision Staging Policy, formerly the Growth Policy, related to the schools test and a proposed new mechanism for transferring Adequate Public Facilities (APF) approved trips from a project that is not moving forward to a new development plan in an urbanized area, as detailed in the staff report.

In discussion of the recommendations for the schools test, the Board raised concerns about the impact of school facility payments and other fees on the provision of affordable housing and the possibility of exempting moderately priced dwelling units (MPDUs) from those fees.

Staff elaborated on the issue of APF transfers, which was first discussed in the Planning Board Draft of the 2009-2011 Growth Policy, including the intent of the proposal to clear the development pipeline of trips for development that will not be moving forward, the guiding principles for the program, and sending/receiving options. Staff recommends withdrawing the recommendation to create the APF transfer program until there is some experience and assessment of the new Transportation Policy Area Review program.

### **3. Upper Paint Branch Stream Valley Park - POSTPONED**

Authorization to acquire 2.4 acres, more or less, improved, from Michael K. Lindley at 15210 Peach Orchard Road, Silver Spring, Maryland 20905.

*Staff Recommendation: Approval*

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

### **4. [Zoning Text Amendment 12-08](#)**

Revise the conditions for reducing the minimum lot size of any development in the TSR and TSM zones.

*Staff Recommendation: Transmit Comments to County Council*

**(Action Required for County Council Public Hearing of 6/12/12)**

#### **BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action:       Approved the staff recommendation to transmit comments to the County Council.**

Planning Department staff presented the Zoning Text Amendment to revise the conditions for reducing the minimum lot size of any development in the TSR and TSM zones, and to allow a smaller-than-minimum parcel to be approved for either zone, under certain conditions, to enable smaller properties to develop in these zones consistent with the intent of the applicable master or sector plans.

Ms. Mimi Brodsky Kress, representing Sandy Spring Builders, offered comments.

**\*5.    [Project Plan Review No. 920120020, Fenton Street](#)**

CBD-1/CBD-0.5/Fenton Village Overlay Zone/R-60,, 2.05 acres, Mixed-use project totaling 263,538 square feet of development and including up to 259 multi-family dwelling units, 29,228 square feet for a church and 18,650 square feet of retail, located at the northeast quadrant of the intersection with Fenton Street and Bonifant Street, Silver Spring CBD, East Silver Spring Master Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:               ANDERSON/DREYFUSS**

**Vote:**

**Yea:               5-0**

**Nay:**

**Other:**

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

Planning Department staff presented the project plan for the redevelopment of the First Baptist Church site in downtown Silver Spring, as detailed in the staff report. The project plan proposes a mixed-use development in two buildings: a multi-family residential building with up to 259 dwellings, ground-floor retail, and underground parking on the western portion of the site, fronting along Fenton Street from Wayne Avenue to Bonifant Street; and the new church sanctuary, religious education classrooms, and a child day care center in a separate building across the eastern portion of the site, fronting on Wayne Avenue, with a playground fronting on Bonifant Street. Staff noted that this is a multi-zoned site and discussed the density calculations. Staff reviewed the required public use space, consisting primarily of two public plazas and a pedestrian connection between Wayne Avenue and Bonifant Street. Staff also discussed the required step-down in height adjacent to existing single-family detached homes and distributed and reviewed proposed revisions to the proposed conditions of approval.

Mr. Scott Wallace, attorney, and Mr. Josh Adler, of the applicant company, elaborated on the proposed development and responded to questions from the Board. Ms. Trini Rodriguez, the landscape architect provided additional information about the public use space. Pastor Morgan, of the First Baptist Church, discussed how the design of the new sanctuary will reflect the composition of the congregation.

Mr. George French of Takoma Park, and Ms. Karen Rober, representing the East Silver Spring Civic Association, offered comments.

There followed some discussion of various elements of the proposal, including requests in correspondence and in testimony to preserve the façade of the church and the bell tower as historic. Mr. Wallace discussed the possibility of preserving certain elements, such as the stained glass and art deco signage, which could be incorporated into the new sanctuary building.

In discussion, staff proposed additional revisions to the conditions of approval, which were accepted by the Board.

**\*6. [Site Plan Amendment Review No. 82008007A, 814 Thayer](#)**

CBD-0.5 zone 0.64 acres, Amendment to increase the percentage of affordable dwelling units and to modify the building footprint, façade, and public space and amenities, located on Thayer Avenue, approximately 150 feet east of the intersection with Fenton Street, Silver Spring CBD  
*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion:** DREYFUSS/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** **Approved the staff recommendation to approve, subject to revised conditions, and adopt the Board Resolution, as attached.**

Planning Department staff presented the limited site plan amendment to increase the percentage of affordable dwelling units and to modify the building footprint, façade, and public space and amenities, as detailed in the staff report. Staff explained that the property has changed hands since the original site plan approval and the current owner is working closely with County Department of Housing and Community Affairs (DHCA) to revise the project to include 80 percent affordable housing units. Staff reviewed the proposed revisions to the building design, public use space, and amenities, including streetscaping, and discussed the difficulties associated with implementing an original condition to underground the utilities and remove two utility poles. After discussions with PEPCO, staff now recommends removing that requirement. Staff also distributed and reviewed revisions to the conditions of approval.



Mr. Scott Knudson, representing the applicant, concurred in the staff recommendation and responded to questions.

Ms. Karen Roper, representing the East Silver Spring Civic Association, and Ms. Roylene Roberts, representing County Department of Housing and Community Affairs (DHCA), offered comments on the brick pavers required in the Silver Spring streetscaping.

## **7. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter  
(TOPIC: Closed Session Minutes)

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

---

## **8. Closed Session - REMOVED**

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

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**14. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

---

**15. 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 official citation and open session report in narrative minutes.

**9. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – April 2012 County Council Group**

- 1) 11A-PAX-01: Getachew & Wubet
- 2) 11A-TRV-08: Kapoor Property
- 3) 11-A-CLO-01: Shri Mangal Mandir Temple
- 4) 11A-TRV-06: Glenstone Foundation

**BOARD ACTION**

**Motion:**                   1) **WELLS-HARLEY/PRESLEY**  
                                  2) **ANDERSON/PRESLEY**  
                                  3) **PRESLEY/WELLS-HARLEY**  
                                  4) **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                    1) **5-0**  
                                  2) **5-0**  
                                  3) **5-0**  
                                  4) **4-0-1**

**Nay:**                    4) **DREYFUSS**

**Other:**

**Action:**            1) **Approved staff recommendation of denial, as stated in the attached transmittal letter to the County Executive and County Council.**  
                          2) **Approved staff recommendation of denial, as stated in the attached transmittal letter to the County Executive and County Council.**  
                          3) **Approved staff recommendation of denial, as stated in the attached transmittal letter to the County Executive and County Council.**  
                          4) **Approved staff recommendation of denial, as stated in the attached transmittal letter to the County Executive and County Council.**

In keeping with the May 25 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed amendment requests to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan for the following properties: 1) Getachew and Wubet – Staff noted that the 1997 Cloverly Master Plan states that the extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with this plan because of potential impacts on the low-density character of both areas and conflicts with the long standing recommendation not to provide sewer service in the Patuxent River watershed in order to control water quality in the reservoir; 2) Kapoor Property – Staff noted that this property is outside the Potomac Master Plan sewer service envelope and is within the Piney Branch Special Protection Area. The property does not meet specific service conditions within the Piney Branch restricted sewer access policy and is excluded from public sewer service; 3) Shri Mangal Mandir Temple – Staff noted that this property is located outside the 1998 Sandy Spring/Ashton Master Plan designated sewer

**9. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – April 2012 County Council Group**

CONTINUED

envelope. The Master Plan recommends extension of sewer to only three types/categories of development and this property does not fall within any of these categories. Staff also added that the County's Private Institutional Facility (PIF) policy states that for new or relocating uses, service area category amendments may be approved for sites where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of the plan. Staff is not convinced that the proposed conceptual alignments would satisfy the standard under the PIF policy for existing uses; 4) Glenstone Foundation – Staff noted that the category change request for this property is inconsistent with the 2002 Potomac Subregion Master Plan for the reasons cited in the staff report. Moreover, staff said, Glenstone is arguably a new use because it is a new structure on a different property and, as a new use, the proposed museum would not satisfy the applicable PIF test.

At the Board's request, Mr. Alan Soukup of the Montgomery County Department of Environmental Protection (DEP) offered comments and clarifications.

The following speakers offered testimony: Ms. Ginny Barnes representing West Montgomery Citizens Association; Ms. Barbara Sears, attorney representing Glenstone Foundation; Ms. Pat Harris, attorney representing Shri Mangal Mandir Temple.

Commissioner Dreyfuss noted that he does not believe that the 2002 Potomac Subregion Master Plan expressly prohibits the use stated in the Glenstone Foundation amendment request which, in his view, proposes an expansion of an existing use under the terms of the PIF policy, and the water and sewer service should be granted.

There followed considerable Board discussion, with questions to staff, the speakers, and legal counsel to the Board.

**\*10. [Limited Amendment to Preliminary Plan No. 12001042A: Palatine in Response to a Violation](#)**

Request to remove a portion of an existing Forest Conservation Easement on one lot, located at 11809 Centurion Way approximately 600 feet west of the intersection with Greenbriar Road, 2 acres, RE-2 Zone, Potomac Subregion Master Plan

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion:**                    **ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

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

In keeping with the May 18 technical staff report, Planning Department staff discussed the preliminary plan amendment request by the applicant to remove 3,080 square feet of stream valley buffer category I conservation easement on a 2-acre lot located on Centurion Way, approximately 600 feet west of the intersection with Greenbriar Road. Staff noted that the proposed mitigation results in an approximately 2 to 1 replacement ratio, and almost doubles the Planning Board's minimum on-site mitigation policy requirement. The applicant will provide supplemental plantings to enhance the forest structure throughout the entire easement area.

Mr. John Sekerak, engineer representing the applicant, concurred with the staff recommendation.

Ms. Ginny Barnes, representing West Montgomery Citizens Association, offered testimony.

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

**11.   Roundtable Discussion**

Update: Clarksburg Town Center - continued from April 26, 2012

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:       Received update.**

At the beginning of the discussion, Commissioner Presley recused herself.

Planning Department staff noted that this is the required quarterly update from the developer/s for the Clarksburg Town Center project.

Mr. Kirk Fisher representing Newland Development/NNP discussed the current situation related to the Clarksburg Town Center (CTC) project. He noted that the bill of sale was executed concurrently with Newland Development's conveyance of the retail core, approximately 300 undeveloped residential units, and undedicated common areas, roads, and facilities in the Clarksburg Town Center. He addressed the obligations related to the Certified Site Plan that Third Try/Elm Street Development and Newland Development are each responsible for. He also discussed construction of the remaining

buildings, the required roads, and the amenities that have been completed to date and the delivery schedule for the remainder.

Mr. David Flanagan of Third Try/Elm Street Development answered questions from Board members.

There followed a brief Board discussion with questions to staff and Newland/NNP and Third Try, L.C. representatives.

At the Board's request, legal counsel to the Board offered comments and clarification regarding the compliance requirements.

**12. Briefing: White Oak Science Gateway Master Plan**

Briefing on Results of Traffic Modeling and Analysis

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion.**

Planning Department staff briefed the Board via a multi-media presentation on the preliminary results of the traffic modeling analysis performed in support of the White Oak Science Gateway Master Plan. Staff noted that with input from stakeholders, staff has prepared a future development scenario and has completed a preliminary analysis of the potential traffic impacts on the local road network. Staff also added that the traffic modeling analysis was performed with the same tool used by the Metropolitan Washington Council of Governments, which reflects County-wide and regional traffic effects, including those from Howard and Prince George's Counties.

The following speakers offered testimony: Mr. Glen Cook of the Traffic Group, Inc.; Mr. Jonathan Genn of Tech Road; Ms. Harriet Quinn, representing the Woodmoor/Pinecrest Citizens Association; Ms. Eileen Finnegan, representing the Hillandale Citizens Association; and Mr. Dan Wilhelm, representing the Greater Colesville Citizens Association.

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

**13. Montgomery County Department of Parks FY13/14 Fee Schedule - POSTPONED**

Review and approve fees for Department of Park's Facilities and Programs  
*Staff Recommendation: Approval*

MCPB, 5-31-12, APPROVED

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:      This item was postponed.**