



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED  
MINUTES**

Following the swearing-in of new Commissioner Casey Anderson and reappointed Commissioner Norman Dreyfuss, the Montgomery County Planning Board met in regular session on Thursday, June 23, 2011, at 9:21 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:55 p.m.

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

Items 1 through 4 are reported on the attached agenda.

The Board recessed at 1:03 p.m. for lunch and to take up Item 7 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 1:22 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson present and voting in favor of the motion. Commissioner Dreyfuss joined the meeting at 1:30 p.m. and Commissioner Presley was necessarily absent. 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 appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees; and §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 Human Resources Director William Spencer; Associate General Counsels David Lieb, Jared McCarthy, and Christina Sorrento of the Legal Department; Alison Davis of the Planning Department; Director Mary Bradford, Deputy Director Gene Giddens, and Mary Ellen Venzke of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board approved details of the FY12 personnel budget for the Parks Department and Planning Department and received legal advice from Legal Counsel on procedural issues related to the Silver Spring Baptist Church item on the afternoon agenda.

The Closed Session was adjourned at 2:47 p.m.

The Board reconvened in the auditorium at 2:55 p.m.

Items 5 and 6 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:55 p.m. The next regular meeting of the Planning Board will be held Thursday, June 30, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, June 23, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

- Weaver Property Preliminary Plan 120090160 – MCPB No. 11036

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0-1**

**Nay:**

**Other: ANDERSON ABSTAINED**

**Action: Adopted the Resolution as stated above, with corrections noted by staff.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220090430, Heritage Farm;** R-200 zone; 1 lot, 1 parcel; located on the north side of Oaklyn Drive, approximately 1,000 feet east of Falls Road (MD 189); Potomac.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220110840 - 220110890, Gallery Park;** PD-11 zone; 76 lots, 56 parcels; located on the east side of Shawnee Lane, 300 feet north of Gateway Center Drive; Clarksburg.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0-1**

**Nay:**

**Other: ANDERSON ABSTAINED**

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

**\*C. Other Consent Items**

**Site Plan No. 82003003C (Amendment): Fairfield at Germantown** - Modification to condition of approval no. 2 in Site Plan 820030030 to limit the density of Phase I to the acreage of Phase I only, and to revise the SWM facility; 62.4 acres in the RMX-2 Zone; located at the intersection of Father Hurley Boulevard and Waterford Hills Boulevard; Germantown Employment Area Sector Plan

*Staff Recommendation: Approval of the Site Plan Amendment and Adoption of the Draft Resolution*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item, an amendment to the site plan for Phase I of a larger development, was removed from the Consent Agenda and taken up with Item 3, an amendment to the underlying project plan.**

**\*D. Approval of Minutes**

Minutes of May 26, 2011

**BOARD ACTION**

**Motion: WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea: 4-0-1**

**Nay:**

**Other: ANDERSON ABSTAINED**

**Action: Approved the minutes of May 26, 2011, as presented.**

**2. Monitoring Staging in White Flint**

Discuss GIS and planning support systems for monitoring White Flint staging

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing and provided guidance to staff.**

Planning Department staff presented a demonstration of the preliminary design of the Planning Department's online master plan staging allocation tracking system, including the display of the data and how the data will flow from section to section as capacity and plans are approved. Beginning with the White Flint Sector Plan, the system will track staging capacity, staging allocation requests, sketch plans, preliminary plans, site plans, density, public facilities, and other related information.

There followed considerable discussion of various aspects of how the information will be displayed, with the Board offering guidance to create greater clarity for the public.

**3. Project Plan No. 92002002B (Amendment): Martens Property**

Plan consists of 455 dwelling units and 14,486 square feet of commercial space on 26.48 acres, near the intersection of Wisteria Drive and Waters Road, RMX-2 Zone, Germantown Employment Area Sector Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**               **1. DREYFUSS/PRESLEY**  
                              **2. DREYFUSS/WELLS-HARLEY**

**Vote:**  
    **Yea:**               **1. 5-0**  
                              **2. 5-0**

**Nay:**

**Other:**

**Action:**           **1. Approved the staff recommendation to approve Site Plan No. 82003003C (Amendment): Fairfield at Germantown, referenced as Item 1C on the Consent Agenda, modified to remove the reference to the residential unit cap for Phase II of the development, as stated in the attached Board Resolution.**

**2. Approved the staff recommendation to approve the project plan amendment, subject to conditions as revised by staff, excluding the requested waiver of the required setbacks, as stated in the attached Board Resolution.**

Site Plan No. 82003003C (Amendment): Fairfield at Germantown, referenced as agenda Item 1C, was removed from the Consent Agenda to be taken up in conjunction with this amendment to the underlying project plan.

Planning Department staff presented the proposal to amend the approved project plan for a two-phased mixed-use commercial and residential project, as detailed in the staff report. Phase I has already been developed with 604 residential units. Phase II was approved for 250,000 square feet of office/retail uses. The subject amendment proposes to convert the previously approved commercial density on the Phase II acreage to primarily residential development, for 455 dwelling units, consisting of 286 multifamily units in four buildings and 169 townhouses, and 14,486 square feet of ground floor commercial uses. The amendment also proposes to relocate the stormwater management facility and requests a waiver of 15 feet of the required 30-foot setback along the northwestern edge of the Phase II portion of the property abutting the Phase I portion. Staff distributed and reviewed a revised list of conditions of approval. Staff also presented the proposed minor amendment to the site plan for Phase I, which was removed from the Consent Agenda to be taken up in conjunction with the project plan amendment. The site plan carries a condition that limits residential development for the entire site to the Phase I maximum of 604 units. The site plan amendment revises that condition to limit Phase I to 604 units and limit Phase II to 455 units.

**3. Project Plan No. 92002002B (Amendment): Martens Property**

There followed some discussion of the requested waiver of the setback requirement, the stormwater management facility, and the recreational facilities and open space. The Board recommended considerably more open recreation space, and declined to grant the requested waiver of the setback unless additional open space is incorporated into the site plan. The Board also requested and received additional information from staff about the proposed conversion of the commercial development to residential and the applicable provisions of the sector plan.

Concluding the presentation, Planning Department staff presented the revised forest conservation plan, as discussed in the staff report.

Mr. Robert Brewer, attorney representing the applicant, concurred in the staff recommendation and discussed the history of the property and the vision of the master plan. Mr. Russ Gestl of the applicant company discussed the vision for the project and various constraints on the property, including issues related to the stormwater management facility.

There followed some discussion of the proposed site plan amendment and whether or not the Phase II development cap should be referenced in the site plan conditions for Phase I.

#### **4. GSSC Implementation Guidelines**

*Staff Recommendation: Approve Guidelines for the Life Sciences Center area of the Great Seneca Science Corridor Master Plan*

#### **BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** **Approved the Implementation Guidelines for the Life Sciences Center area of the Great Seneca Science Corridor Master Plan, subject to final revisions identified in discussion.**

In the final worksession on the Implementation Guidelines for the Life Sciences Center area of the Great Seneca Science Corridor Master Plan, Planning Department staff focused primarily on changes based on Board direction at the last worksession, including substantial changes to the section on management of the development queue, particularly related to recapturing unused development capacity. Staff noted that the Guidelines include the biennial monitoring program required by the master plan, and approval of that program in the Guidelines satisfies one of the two remaining triggers required to open development Stage 1. Staff reviewed changes to the section on the monitoring program and provided a demonstration of the monitoring program website, which is anticipated to go live within the next few weeks.

There followed some discussion of Adequate Public Facilities (APF) Ordinance issues, including validity periods, criteria for extensions, and reinstatement of capacity if the APF for a project expires. The Board provided guidance to staff for additional revisions prior to publication.

**7. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) 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 1 or more specific employees; and §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

**\*added after publication of agenda**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**5. Preliminary Plan Amendment No. 11996019B: Winterset - Modify the Category I Conservation Easements in response to a violation**

Located on Winterset Terrace and Broad Green Court west of the intersection of Falls Road (MD189) and Glen Road, 2.71 Acres, R-200 Zone, Potomac Master Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the proposed Preliminary Plan Amendment, subject to conditions, as stated in the attached Board Resolution**

Planning Department staff discussed the proposed preliminary plan amendment for a 2.71-acre property located on Winterset Terrace and Broad Green Court in Potomac. Staff noted that the amendment request is in response to a violation of the category I easement on the property and the applicant has been working with staff for over two years to rectify the violation. At the Board's request, staff discussed the forest conservation law, guidelines, and regulations regarding forest replacement and reforestation. Staff noted that the landscaping credit can be given on this site, and the applicant is proposing to meet the 2 to 1 replacement ratio plus an additional amount offsite for a total of 1.48 acres.

Mr. Dusty Rood, attorney representing the applicant, Ms. Sheryl Heller, also present, briefly discussed the proposed amendment request and concurred with the staff recommendation.

Ms. Sheryl Heller, the applicant, offered brief comments.

## **6. Silver Spring Baptist Church**

Determination whether to prepare Public Hearing Draft Amendment

*Staff Recommendation: Provide Guidance to Staff*

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:       PRESLEY ABSENT**

**Action:       BY CONSENSUS INSTRUCTED STAFF NOT TO PREPARE A PUBLIC HEARING DRAFT AMENDMENT AND AGREED WITH THE HISTORIC PRESERVATION COMMISSION'S RECOMMENDATION TO NOT DESIGNATE THE SITE.**

Historic Preservation staff offered a multimedia presentation of the proposed amendment to the Master Plan of Historic Sites regarding designation of the Silver Spring Baptist Church located at the corner of Wayne and Fenton Streets in downtown Silver Spring. Staff discussed the proposed site and made comparisons to other churches in the Montgomery County area and other counties.

Ms. Marcie Stickle and Mr. George French, the Silver Spring Baptist Church Nominators, offered testimony.

Mr. Scott Wallace, attorney representing the property owner, introduced members of his team, briefly discussed the proposed amendment, and concurred with the Historic Preservation Commission recommendation of non-designation.

The following speakers offered testimony: Pastor Gonzalo Brauperer of Immanuel Baptist Church; Pastor Jean-Pierre Luramon of Eglise de la Foi; Ms. Marilyn Benaderet, representing Preservation Maryland; Ms. Mary Reardon of Washington Avenue; Ms. Janice Buckwalter of Black Oak Lane; Ms. Eileen McGuckian of Dinwiddle Drive; Ms. Lorraine Pearsall, representing the

MCPB, 6-23-11, APPROVED

Montgomery Preservation; and Ms. Korine Buckwalter, representing the National Trust for Historic Preservation on behalf of Mr. Nell Ziehl.

There followed extensive Board discussion with questions to staff, Mr. Wallace, and some of the speakers.