



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, July 17, 2014, at 9:17 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:52 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Casey Anderson joined the meeting at 9:25 a.m. during discussion of Item 2.

Items 1, 2, 11, 4, 5, and 6, discussed in that order, are reported on the attached agenda.

Items 3 and 8 were postponed.

The Board recessed for lunch at 11:45 a.m. and to take up Items 7, 16, and 17 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 12:00 p.m. in the 3rd floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley 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; and §10-508(a)(7) to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin, David Lieb, Megan Chung, and Christina Sorrento of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, Glenn Kreger, Michael Brown, and Khalid Afzal of the Planning Department; Deputy Director Michael Riley, Mitra Pedoeem, Judie Lai, Josh Kaye, and Brenda Sandberg, of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton, and the proposed acquisition of parkland. The Planning Board also received advice from legal counsel regarding Item 10 – Rock Spring Park, Preliminary and Site Plans Amendments, to be discussed during the afternoon session of the Planning Board meeting.

The Closed Session meeting was adjourned at 1:35 p.m.

The Planning Board reconvened in the auditorium at 1:53 p.m.

Items 9, 10, and items 12 through 14 are reported on the attached agenda.

The Board convened for a brief Closed Session meeting at 5:02 p.m.

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 5:02 p.m. in the auditorium, on motion of Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article §10-508(a)(7) to consult with counsel to obtain legal advice.

Also present for the Closed Session were: Associate General Counsel David Lieb of the Legal Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session, the Board received advice from legal counsel regarding Item 14 – Preliminary Plan Amendment – Alvermar Woods, Lot 17, in response to forest conservation easement violations.

The Closed Session meeting was adjourned at 5:10 p.m., and the Planning Board reconvened in open session in the auditorium to continue discussion of Item 14.

The Planning Board recessed for dinner at 5:17 p.m.

Commissioner Presley left for the day during the recess.

The Planning Board reconvened in the auditorium at 7:34 p.m. to discuss Item 15 – Guidelines for Environmental Management of Development in Montgomery County – Worksession and Action.

There being no further business, the meeting was adjourned at 7:52 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 24, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, July 17, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

Consent Agenda

***A. Adoption of Resolutions**

~~1. Ancient Oak West Preliminary Plan 120070480—MCPB No. 13-140~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***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 June 26, 2014

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved Planning Board Meeting Minutes of June 26, 2014 as submitted.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Parks Director's Report – Acting Parks Department Director Gene Giddens congratulated Commissioner Anderson on being selected as the new Chair of the Montgomery County Planning Board and noted that he is very happy that the Planning Board selected Mike Riley as the new Parks Department Director. Mr. Giddens also briefly reported on the retirement of Christine Brett, Enterprise Division Chief and on the following topics: New Alert Montgomery System, Heritage days, Americans with Disabilities Act (ADA), park facility updates, park police news, and the upcoming park events. Planning Board members thanked Mr. Giddens for his contribution to the Parks Department.

Item #3

United Therapeutics: Site Plan No. 820140110

~~CBD-1 zone, 1.79 acres, Proposing 111,724 square feet of office and 10,000 square feet of retail, located at the southeast quadrant of the intersection with Spring Street and Colesville Road; Silver Spring CBD Sector Plan~~

~~Staff Recommendation: Approval with Conditions and Adoption of Resolutions~~

POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

***11. Montgomery Hospice and the Preserve at Rock Creek** -- Release of Rural Open Space Easement granted to the M-NCPPC by SM Bowie Mill LLC on approximately 1.99 acres of land, which is a portion of the rural open space preserved as a condition of Bowie Mill Estates Preliminary Plan No. 120060320 and Site Plan No. 820060110 located on the west side of Bowie Mill Road and the north side of Muncaster Mill Road (MD 115), in exchange for a Rural Open Space Easement to be granted to the M-NCPPC by Montgomery Hospice on approximately 1.99 acres of land located in the western quadrant of the intersection of Bowie Mill Road and Muncaster Mill Road (MD 115) in accordance with the policy adopted by the Planning Board in May 2103. RE-1 Zone, Upper Rock Creek Master Plan

A. Montgomery Hospice: Preliminary Plan Amendment No. 11994021A:

Resubdivide the existing Montgomery Hospice lot into two lots and apply a Rural Open Space Easement to a new lot (1.99 acres) to be conveyed to the Preserve at Rock Creek and create a second lot for the Hospice, located in the western quadrant of the intersection of Bowie Mill Road and Muncaster Mill Road (MD 115), approximately 6.93 acres

Staff Recommendation: Approval with Conditions and adoption of Resolution

B. Preserve at Rock Creek: Preliminary Plan 12006032B:

Release the Rural Open Space Easement on existing Parcel G of the Rock Creek Preserve, 1.99 acres

Staff Recommendation: Approval with Conditions and adoption of Resolution

C. Preserve at Rock Creek: Site Plan No. 82006011A:

Release the Rural Open Space Easement on existing Parcel G of the Rock Creek Preserve, 1.99 acres

Staff Recommendation: Approval with Conditions and adoption of Resolution

BOARD ACTION

Motion: A. DREYFUSS/WELLS-HARLEY

B. DREYFUSS/ANDERSON

C. DREYFUSS/WELLS-HARLEY

Vote:

Yea: A.B. & C. 5-0

Nay:

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

B. Approved staff recommendation for approval, subject to conditions, as stated in the attached adopted Resolution.

C. Approved staff recommendation for approval, subject to conditions, as stated in the attached adopted Resolution.

***11. Montgomery Hospice and the Preserve at Rock Creek**

CONTINUED

Planning Department staff offered a multi-media presentation and discussed the release of Rural Open Space (ROS) Easement granted to the Montgomery County Park and Planning Commission by SM Bowie Mill LLC on approximately 1.99 acres of land. The property, which is a portion of the rural open space preserved as a condition of Bowie Mill Estates property preliminary plan and site plan, located on the west side of Bowie Mill Road and the north side of Muncaster Mill Road (MD 115) in the Upper Rock Creek Master Plan area, is in exchange for a Rural Open Space Easement to be granted to the Commission by Montgomery Hospice, in accordance with the policy adopted by the Planning Board in May 2013. The proposed preliminary plan amendment and site plan will re-subdivide the existing Montgomery Hospice into two lots and apply a Rural Open Space Easement to a new 1.99-acre lot to be conveyed to the Preserve at Rock Creek development, and create a second lot for the Hospice located in the western quadrant of the intersection of Bowie Mill Road and Muncaster Mill Road (MD 115), approximately 6.93 acres. Staff noted that the applicants, Montgomery Hospice and SM Bowie

Mill, own separate properties under this review for which there are three applications to amend existing approved plans. The applications are presented together as they seek to release an ROS easement per the October 7, 2013 Code Interpretation Policy for Release of Rural Open Space Easement or Covenant. The applicants propose to lift the ROS easement from a 1.99-acre open space parcel on the SM Bowie Mill property and replace the ROS easement on an equally sized parcel to be created by subdivision under this application. Montgomery Hospice and SM Bowie Mill would then swap ownership of those 1.99-acre parcels, thus leaving the SM Bowie Mill development, titled Preserve at Rock Creek, in conformance with the density and open space requirements of their preliminary plan and site plan approvals, and leaving Montgomery Hospice with an unencumbered 1.99-acre property adjacent to the existing hospice building for future consideration of development consistent with its hospice activities. Staff also noted that all previous conditions of approval for the preliminary plan and the site plan remain valid.

Messrs. Stuart Barr and Vic Bryant, attorneys representing the applicants, briefly discussed the proposed plans, and concurred with the staff recommendations.

Ms. Ann Mitchell, representing Montgomery Hospice, offered comments.

There followed a brief Board discussion with questions to staff and the applicants' representatives.

***4. Cavanaugh - Preliminary Plan No. 120100190**

A request to combine four parcels, and subdivide the property into 14 lots, including two child-lots, a farm remainder, and two outlots; located on the south side of Damascus Road (MD 650), approximately 2,000 feet east of Olney - Laytonsville Road (MD 108); RDT Zone; 305.80 acres within the 2005 Olney Master Plan and AROS Functional Plan.

Staff Recommendation: Approval, subject to Conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to revised conditions discussed at the meeting, and as stated in the attached adopted Board Resolution.

In keeping with the July 3 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request for approval by the Planning Board to combine four parcels, and subdivide a 305.8-acre farm property within the Patuxent River Watershed into 14 lots, including two child lots. There are two existing dwellings on the two proposed 10-acre child lots, and an existing farm house and outbuildings on the largest of the proposed lots. With the exception of these three lots, the remaining lots are all 3.0 acres or less. Section 59-C-9.41.1 (f) of the Revised Zoning

Ordinance permits child lots over three acres where the child lot includes an existing dwelling unit, and is held pursuant to a deed indicating conveyance from parent to child, and recorded before October 1, 2010. A farm remainder of 226 acres is proposed. The applicant does not foresee any forest clearing, and 36.9 acres of existing forest is proposed to be in a Category I Forest Conservation Easement of 65.47 acres, which includes 27 acres of wetlands. Approximately 7.4 acres will be subject to afforestation. There are 6.02 acres of existing streamvalley encroachment, and 9.36 acres of forest conservation easement proposed as mitigation. Staff also discussed revisions to the conditions of approval.

Mr. James Clifford, attorney representing the applicant, introduced Ms. Rachel Cavanaugh Rouse and Mr. Chuck Rouse, the applicants, and Mr. David McKee, engineer for the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

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

***5. Beall's Manor: Preliminary Plan No. 120140030**

Request to subdivide Parcel 823 to create three (3) lots, located at the terminus of Spearmint Lane, approximately 150 feet southeast of the intersection with Amberleigh Terrace, 2.0 acres, R-200 Zone, Cloverly Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON TEMPORARILY ABSENT

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

In accordance with the July 3 technical staff report, Planning Department staff offered a multi-media presentation and discussed a proposed request to subdivide Parcel 823 of a 2-acre property located at the terminus of Spearmint Lane, approximately 159 feet southeast of the intersection with Amberleigh Terrace in the Cloverly Master Plan and policy area, to create three lots for future development. Staff recommended to extend Spearmint Lane and create a cul-de-sac at its terminus, and supports the removal of seven trees, and the limited impact on one tree. Staff also noted that the request is consistent with the recommendations of the Cloverly Master Plan.

Mr. David Crowe, engineer representing the applicant, offered brief comments and concurred with the staff recommendation.

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

***6. Spring Arbor - Olney (formerly Danshes Property)**

A. Spring Arbor - Olney (formerly Danshes Property): Preliminary Plan No. 120140120

Domiciliary Care Home with 107 units, located on the east side of Georgia Avenue (MD97) approximately 1,000 feet south of the intersection with Old Baltimore Road, Parcel P771 on Tax Map HT51, 37.68 acres, RNC Zone, Olney Master Plan

Staff Recommendation: Approval with conditions and Adoption of Resolution

B. Spring Arbor - Olney (formerly Danshes Property): Site Plan No. 820140100 including Final Forest Conservation Plan --

Domiciliary Care Home with 107 units, located on the east side of Georgia Avenue (MD97) approximately 1,000 feet south of the intersection with Old Baltimore Road, Parcel P771 on Tax Map HT51, 37.68 acres, RNC Zone, Olney Master Plan

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:

Action: **A. Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.**

B. Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed the preliminary and site plan requests for a proposed Domiciliary Care Home with 107 units to be constructed on a 37.68-acre property located on the east side of Georgia Avenue (MD97), approximately 1,000 feet south of its intersection with Old Baltimore Road, in the Olney Master Plan area. Staff noted that the site layout follows the plans submitted with approved Special Exception S-2841, and are in conformance with the 2005 Olney Master Plan. The proposed building will be set back at a minimum of 300 feet from Georgia Avenue, three times the 100-foot setback recommended by the Master Plan. The proposed facility has been designed to be visually compatible with the suburban character of the surrounding area. There is no forest planting requirement, but the applicant is required to create an established forest bank on the property as a condition of approval of the Forest Conservation Plan (FCP). Staff also discussed the revised conditions of approval.

Ms. Rebecca Walker, attorney representing the applicant, introduced Mr. Robert McCary and Mr. Bo Cook Jr., members of the applicant's team, offered brief comments, and concurred with the staff recommendation.

7. 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 (Wheaton)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

~~Item 8~~

~~**CLOSED SESSION**~~

~~Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (Farquhar Middle School)~~

POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

16. CLOSED SESSION

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 State citation and open session report in narrative minutes.

17. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (Rock Spring Park - Preliminary Plan & Site Plan Amendments)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. Ovid Hazen Wells Recreational Park

Authorization to acquire 46,173 square feet (1.06 acres), more or less, improved, from Dana L. Bennett, located at 12320 Piedmont Road, Clarksburg, Maryland 20871.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by Parks Department staff, approved staff recommendation to authorize the acquisition of 46.173 square feet (1.06 acres) of land from Dana L. Bennett, located at 12320 Piedmont Road in Clarksburg, Maryland, to be used as parkland.

***10. Rock Spring Park: Preliminary Plan and Site Plan Amendments**

A. Preliminary Plan Amendment 11998093B - Request to resubdivide a portion of the 44.16-acre property into 168 lots and reserve approximately 1.45 acres for future dedication to the Montgomery County Department of Transportation; I-3 Zone; located on Fernwood Road between Rockledge and Rock Spring Drives, within the North Bethesda/Garrett Park Master Plan Area.

Staff Recommendation: Approval with conditions and Adoption of Resolution

B. Site Plan Amendment 81989049I - Request for 168 townhouse units, including 12.5% MPDUs, on 9.07 acres; I-3 Zone; located on Fernwood Road between Rockledge and Rock Spring Drives, within the North Bethesda/Garrett Park Master Plan Area.

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

**Motion: A. ANDERSON/DREYFUSS
B. ANDERSON/DREYFUSS**

Vote:

Yea: A. & B. 4-0

Nay:

Other: CHAIR CARRIER RECUSED HERSELF

Action: A. Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

B. Approved staff recommendation for approval, subject to conditions, and adopted the attached Resolution.

Chair Carrier recused herself from discussion of this item due to potential conflict of interest, and Vice Chair Wells-Harley assumed the chairmanship.

In keeping with the July 3 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request to re-subdivide a 10-62-acre portion of a 44.16-acre property located on Fernwood Road between Rockledge and Rock Spring Drives in the North Bethesda/Garrett Park Master Plan area, into 168 lots, including 12.5 percent Moderately Priced Dwelling Units (MDPUs), and to dedicate 1.45 acres to Montgomery County Department of Transportation (MCDOT) to allow the proposed development. Staff noted that the applicant is requesting approval by the Planning Board of residential uses in the Industrial (I-3) Zone, pursuant to the Optional Method of Development under Section 59-C-5.439 of the Zoning Ordinance. The applicant will provide more than the required minimum 40 feet right-of-way recommended in the Countywide Transit Corridors Functional Master Plan to allow flexibility in accommodating a station for the North Bethesda Transitway in the vicinity of the intersection of Rock Spring Drive and Fernwood Road. The proposed lots will be served by an internal network of private streets, and staff finds the reconfiguration of the Fernwood Road/Rock Spring Drive

***10. Rock Spring Park: Preliminary Plan and Site Plan Amendments**

CONTINUED

Intersection is no longer necessary. Staff also supports the applicant's request for a parking waiver for a reduction of 32 parking spaces from the total number required, and also requests approval of a 4-foot wide sidewalk compared to the recommended Planning Board's Recreation Guidelines of five feet minimum. Staff also discussed the Forest Conservation Plan (FCP) for the proposed development, and noted that the Planning Board approved the original FCP on April 25, 2002, with an afforestation requirement of 5.62 acres. The final FCP proposes to satisfy the afforestation requirement through 4.29 acres of existing and newly planted landscaping on-site, leaving a remaining obligation of 1.33 acres of forest planting. The applicant proposes to satisfy the remaining FCP requirement through off-site forest banking. Staff also discussed revisions to the conditions of approval.

Mr. Steve Robins, attorney representing the applicant, introduced Mr. McLean Quinn of EYA Development Company, and Ms. Cindy Barr, members of the applicant's team, offered comments, and concurred with the staff recommendation.

Mr. Quinn of EYA also offered brief comments.

Ms. Jennifer Cope of Parkwood Drive, Vice President for the Walter Johnson Cluster Parent/Teacher Association, offered testimony.

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

12. Sandy Spring Rural Village Plan: Staff Draft

Staff recommendation: Approval of the Staff Draft as the Planning Board Public Hearing Draft and set the Public Hearing for September 4, 2014

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Staff Draft as the Planning Board Public Hearing Draft and set the Public Hearing for September 4, 2014.

Planning Department staff offered a multi-media presentation and briefed the Board on the Sandy Spring Rural Village Plan Staff Draft. Staff requested approval by the Planning Board of the staff draft as the Planning Board Public Hearing Draft, and to set the Public Hearing for September 4, 2014. Staff discussed the plan framework and its proposed vision and recommendations for land use and planning. Staff noted that the vision of the Plan is an historic rural village that serves as a focal point for community life. The Plan provides recommendations for land use, zoning, environment, and design that will enable the 46-acre village to thrive. The 1998 Sandy Spring/Ashton Master Plan authorized the creation of a rural village center concept for Sandy Spring, and this Plan completes the requirement in the 1998 Master Plan and determines how to best design a village center concept while considering the rural village character, the mix of land uses, the street connections and street character, as well as open space.

13. Staff Draft for Ovid Hazen Wells Recreational Park Master Plan Update

Staff will present the Staff Draft for the master plan update. It will include a Phase One and a Phase Two. Phase I will include an overall vision of the park and a preliminary program of requirements and location for the carousel. Phase Two will include the overall vision for the development of the rest of the park.

Staff Recommendation: Approval to publish staff draft for purposes of Planning Board Public Hearing to be scheduled for ~~September 25~~, October 2, 2014

BOARD ACTION

Motion: PRELEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Received briefing followed by Board discussion, and approved staff recommendation to publish the Staff Draft for Ovid Hazen Wells Recreational Park Master Plan for the purposes of the Planning Board Public Hearing to be scheduled for October 2, 2014.

Parks Department staff offered a multi-media presentation and briefed the Board on the Ovid Hazen Wells Recreational Park Master Plan Staff Draft, and requested the Planning Board's approval to publish the Staff Draft as the Planning Board Public Hearing Draft and set the Public Hearing for October 2, 2014.

14. Alvermar Woods, Lot 17: Preliminary Plan Amendment No. 11999034C (in response to forest conservation easement violations) -- Request to remove Category I conservation easement on the property located at 10410 Riverwood Drive, 2.07 acres, RE-2 Zone, Potomac, Potomac Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 4-0-1

Nay: DREYFUSS

Action: Approved to remand the case to the Administrative Court for review of the recommended new violation penalty proposed by the Planning Board.

Planning Department staff discussed the request from an applicant to remove the Category I Conservation Easement on a 2.07-acre property located on Riverwood Drive in the Potomac Master Plan area. Staff noted that this request is in response to a forest conservation plan violation on the property. The applicant has removed 1.16 acres of Category I Easement, purchased 2.32 acres of credit at a Forest Mitigation Bank to compensate for the easement removal, and a limited amendment to the preliminary plan was denied by the Planning Board on October 21, 2010 because it did not meet all the necessary parameters for easement removal in terms of mitigation and easement locations. A limited amendment to the preliminary plan was approved by the Planning Board on October 3, 2013, when the applicant was permitted to relocate 0.15 acres of Category I Conservation Easement on-site, and take 0.36 acres of Category I Conservation Easement offsite. Staff recommended approval of the limited amendment to the preliminary plan and associated final Forest Conservation Plan by the Planning Board subject to a number of conditions listed in the July 1 technical staff report.

Ms. Michele Rosenfeld, attorney representing the applicant, introduced Mr. Douglas Tilley, engineer for the applicant, offered comments, answered questions from the Board, and concurred with the staff recommendation.

At the Board's request, Mr. Tilley offered comments and answered questions from the Board.

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

Chair Carrier noted that she would recommend increasing the penalty from \$10,000 to \$50,000 given the applicant's complete disregard of the various violation notices he received from the Planning Department.

At the Board's request, Dr. Kambiz Kazemi of Riverwood Road, the applicant, offered comments and answered questions from the Board.

Commissioner Dreyfuss stated his support for the staff recommendation, and Vice Chair Wells-Harley and Commissioners Anderson and Presley voted in support of the Chair's recommendation to remand the case to the Administrative court to decide on the proposed new penalty recommended by the Planning Board.

18. 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.

15. Guidelines for Environmental Management of Development in Montgomery County - Worksession and Action

Revisions to incorporate changes as a result of the Approved and Adopted 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and other updates required by local and state legislative changes.

*Staff Recommendation: Approve revisions to the guidelines
(No testimony will be taken)*

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval of proposed revisions to the Guidelines for Environmental Management of Development in Montgomery County, discussed at the meeting.

Planning Department staff briefed the Planning Board on the Guidelines for Environmental Management of Development in Montgomery County, following a worksession and public hearing previously held on the draft Guidelines. The updates to the Guidelines are in response to the County Council's request to make the regulatory changes needed to implement the new environmental requirements in the recently Approved and Adopted Ten Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. In addition to the Ten Mile Creek specific additions, staff has made other revisions to the Environmental Guidelines to reflect changes required by local and state legislation that have occurred since the last revision of the Guidelines. Staff discussed the proposed revisions and noted that staff has provided red-line revisions and additions to the Environmental Guidelines to implement the environmental requirements for new development in the Ten Mile Creek Watershed, which lies within the Ten Mile Creek Master Plan planning area.

There followed a brief Board discussion with questions to staff.