



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, September 15, 2011, at 9:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:55 p.m.

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

Items 1-6 are reported on the attached agenda. Item 5 was postponed.

The Board recessed at 1:05 p.m. for lunch and to take up Item 8 in Closed Session. Closed Session Item 7 was postponed.

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 1:21 p.m. in the third 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 present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Executive Director Patti Barney; Human Resources Director William Spencer; Director Mary Bradford and Deputy Directors Gene Giddens and Mike Riley of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted and provided guidance to staff with regard to upcoming collective bargaining negotiations.

The Closed Session was adjourned at 2:45 p.m.

The Board reconvened in the auditorium at 3:10 p.m.

Items 9 through 14 are reported on the attached agenda.

MCPB, 9-15-11, APPROVED

Commissioner Presley left the meeting at 6:40 p.m. before discussion of Item 12.

There being no further business, the meeting was adjourned at 7:55 p.m. The next regular meeting of the Planning Board will be held Thursday, September 22, 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, September 15, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Gables Rothbury Square Preliminary Plan 12004016A -MCPB No. 11-61
2. Gables Rothbury Square Site Plan 82004005A - MCPB No. 11-62
3. Poplar Run (formerly known as Indian Spring) Site Plan 82007002A - MCPB No. 11-63

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions for Gables Rothbury Square (1 and 2, above) with revisions distributed by Legal staff, and deferred action on Resolution MCPB No. 11-63, Poplar Run.

***B. Record Plats**

1. [Subdivision Plat No. 220110340, Harry M. Martin Tract](#); R-200 zone; 2 lots, 1 parcel; located in the southeast quadrant of the intersection of Woodwell Road and Alderton Road; Aspen Hill Master Plan.

Staff Recommendation: Approval

2. [Subdivision Plat No. 220111130, Mary L. Kefauver's Subdivision – Bradley Hills](#); R-200 zone; 1 lot; located on the south side of Armat Drive, 400 feet west of Burdette Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

3. [Subdivision Plat No. 220111140, Luxmanor](#); R-200 zone; 1 lot; located on the south side of Poindexter Lane, approximately 1,000 feet west of Old Georgetown Road (MD 187); North Bethesda/Garrett Park Master Plan.

Staff Recommendation: Approval

4. Subdivision Plat No. 220111420, North Springbrook, Section 3; R-200 zone; 1 lot; located in the southeast quadrant of the intersection of Randolph Road and Sherwood Forest Drive; White Oak Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Record Plats as stated above.

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

Minutes of July 28, 2011

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the minutes of July 28, 2011, as presented.**

2. [Current Status of the Department of Parks Staff Office Space](#)

A brief report on the Department of Parks staff office inventory and distribution to illustrate current staff office space constraints and needs.

Staff Recommendation: Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing and discussed.**

Parks Department staff presented a report on the Department's office space and the distribution of staff, highlighting the variety of facilities, constraints, and needs.

There followed considerable discussion of various items, including the use and maintenance of historic facilities; the relative merits of satellite versus centralized staff, facilities, and maintenance operations; interaction among staff at geographically dispersed facilities and the use of technology to facilitate interaction; and Commission/County ownership of various facilities.

Ms. Judith Koenick offered comments.

3. [Park Facility Plan: Warner Circle Special Park](#)

Facility Plan for Warner Circle Special Park to rehabilitate the historic buildings, demolish the non-contributing wings, construct new office/meeting/laboratory space, and refurbish the grounds to continue to serve as a public park; 4.4 acres; located in the Kensington Historic District on Carroll Circle; Kensington Sector Plan.

Staff Recommendation: Approve Facility Plan and Cost Estimate

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve the revised facility plan and cost estimate.

In a continuation of the worksession of July 28, 2011, at which the Board approved Phase I demolition and restoration, Parks Department staff reviewed the Board's guidance to staff, responded to questions raised, discussed alternative options that were considered to address Board concerns, and presented a proposed smaller-scale facility plan that removes the previously proposed rear additions and significantly reduces the estimated cost of the project.

Mr. John Doherty, adjacent property owner, speaking on his own behalf and representing the Citizens United to Save the Circle; and Ms. Julie O'Malley of Frederick Avenue, offered comments.

4. Preliminary/Final Water Quality Plans

Preliminary/Final Water Quality Plan No. S-2818, Twin Farms Club, Inc./T-Mobile Northeast LLC & Twin Farms Swim Club; 1200 Fairland Road, Silver Spring, R-200 Zone, White Oak Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation.

Planning Department staff presented the combined Special Protection Area (SPA) preliminary and final water quality plan associated with a new special exception telecommunications tower use, which is a modification to an existing swim club special exception in White Oak, as detailed in the staff report. Staff clarified that the Board will not review the special exception as a result of new County

policy related to a Federal Communications Commission declaratory ruling that accelerates the review period of telecommunications facilities.

In discussion, the Board queried staff about the applicability of the eight percent impervious surface cap in the SPA in terms of the proposed new structure on the site, and staff provided additional information and analysis. Legal Department and Planning Department staff discussed the grandfather provisions and emphasized that, while the impervious surface for the site remains above that limit, as originally approved prior to the establishment of the SPA, the total amount of imperviousness is being reduced. Staff also provided information about the special exception process as it applies to this site.

Ms. Mairead Blue, representing T-Mobile, and Mr. Jay Haglor, representing the swim club, offered comments.

5. Special Exception: Landscape Contractor - J. B. Kline, Jr. Landscaping & Lawn Maintenance, Inc. - POSTPONED TO 9/22/11

A. Preliminary/Final Water Quality Plan No. S-2807: Landscape Contractor - J. B. Kline, Jr. Landscaping & Lawn Maintenance, Inc., located at 6720 Olney Laytonsville Road, R-200 Zone, Upper Rock Creek Plan

Staff Recommendation: Approval with Conditions

B. Special Exception No. S-2807: Landscape Contractor - J. B. Kline, Jr. Landscaping & Lawn Maintenance, Inc., located at 6720 Olney Laytonsville Road, R-200 Zone, Upper Rock Creek Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

6. Mandatory Referrals: Revised Process Guidelines

Staff Recommendation: Provide Guidance to Staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and provided guidance to staff.

Planning Department staff presented an overview of the various types of mandatory referral reviews, including examples of recent successful collaborations among agencies, and discussed the existing review process and the associated forest conservation process, in terms of requirements, timelines, and deadlines. Staff pointed out issues of concern with the current process and reviewed the proposed new review process, which is the result of a joint effort of the Planning Department, County departments, and federal and State agencies. The revisions to the review process propose creating administrative review and exempt categories for mandatory referrals and a consent category for forest conservation plans, expanding the pre-application procedures, improving in-take and progress tracking, combining the mandatory referral and forest conservation plan processes, reviewing park facility plans as mandatory referral reviews, revising the traffic study requirements, improving efficiency, reducing costs, and enhancing inter-agency collaboration in support of high quality public projects.

Mr. David Capp, representing Montgomery College; Mr. Craig Shuman, representing Montgomery County Public Schools; and Mr. Don Sheurman, representing County Department of General Services offered comments and participated in the discussion.

There followed considerable discussion of various issues related to the process, including the legal requirement that the forest conservation plan be approved prior to mandatory referral. The design must be somewhat final for review of the forest conservation plan, which limits the ability to incorporate changes as a result of the Board's mandatory referral review. The Board supported continuing dialogue on that issue.

7. Closed Session - POSTPONED TO 9/22/11

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: This item was postponed.

8. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. [Fall 2011 Semi Annual Report to Council \(Planning Department and Department of Parks\)](#)

Review outlines, suggest content for the semi-annual report and presentation, scheduled to go before the County Council on October 4.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department and Parks Department Directors Rollin Stanley and Mary Bradford and staff discussed the proposed outline and content for the fall 2011 Semi-Annual Report to be forwarded to the County Council on September 27, with a presentation by Board members and staff to the Council scheduled for October 4, 2011. Staff noted that every six months the Planning Board is required to provide an update on past, present, and future activities to the County Council in a semi-annual report,

and both departments have collaborated on the draft report which is before the Board today for comments.

There followed extensive Board discussion during which the Board instructed staff to incorporate the changes and additions discussed during the meeting.

11. [Amendment to Final Forest Conservation Plan MR2002202-MCPS-1: Church of the Little Flower](#)

Application to revise and record forest conservation easements: 11.49 acres; R-60. Site on north side of Massachusetts Avenue, east of Briley Place; Westbard Sector Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the request to amend the final forest conservation plan for the Church of the Little Flower located on Massachusetts Avenue. Staff noted that in May 2010, as part of the Planning Department forest conservation inspectors' work program element of identifying outstanding issues on old forest conservation plans, it was determined that the forest conservation plan for the Church had several issues that were unresolved. The proposed amendment to the final forest conservation plan is the applicant's proposal to deal with the issues identified. Staff added that the applicant also proposes to reduce the onsite forest conservation easements by 0.08 acre, with mitigation through the purchase of forest bank credits at an offsite location, and staff recommended mitigation at a rate of two acres of offsite forest bank credits for each acre of onsite forest conservation easement removal.

Mr. Robert Brewer, attorney for the applicant, introduced members of the applicant's team, offered comments and concurred with the staff recommendation.

Mr. Gerald Mehlbaum, Business Manager for the Church of the Little Flower, offered comments and answered questions from Board members.

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

10. Roundtable Discussion

[The Role of Imperviousness in Watershed Health](#)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department staff offered a multimedia presentation on the role of imperviousness in watershed health. Among other things, staff discussed stormwater management Best Management Practices (BMPs), gave an update on impervious area policies, reviewed a few Planning Board decisions on cases with imperviousness limits, and answered questions from Board members.

13. [Bowie Mill Property](#)

A. Preliminary Plan No.120110120: Bowie Mill Property – 114 residential lots for 57 one-family detached units and 57 attached units (including 34 MPDUs and 34 Work Force Housing Units), on 32.74 acres zoned PD-3, at 18241 Bowie Mill Road, opposite the intersection with Thornhurst Drive, Olney Master Plan.

Staff recommendation: Approval with Conditions

B. Site Plan No. 820110050: Bowie Mill Property - 114 residential lots for 57 one-family detached units and 57 attached units (including 34 MPDUs and 34 Work Force Housing Units), on 32.74 acres zoned PD-3, at 18241 Bowie Mill Road, opposite the intersection with Thornhurst Drive, Olney Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

Yea: A. 5-0

B. 5-0

Nay:

Other:

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

B. Approved staff recommendation for approval, subject to revised conditions discussed at the meeting and approval of a waiver request by the applicant, as stated in the attached Board Resolution.

Planning Department staff offered a multimedia presentation of the request to create 114 residential lots for 57 one-family detached units and 57 attached units, including 34 Moderately Priced Dwelling Units (MPDUs), and 34 Work Force Housing Units, on a 32.74-acre property on Bowie Mill Road in the Olney Master Plan. Staff noted that the 2008 Olney Master Plan makes specific recommendations for the property, which was subject to the rezoning process. Access to the site will be from Bowie Mill Road and the existing stream valley and associated buffers make up a large portion of the 14.7 acres of green space provided on site. The proposed plan provides a combined total of 45 percent of the net lot area as green space, and meets all the recreation requirements on-site. A final forest conservation plan proposes to retain 5.94 acres of the 6.79 acres of existing forest generating a planting requirement of 1.31 acres. The applicant proposes to plant approximately 4.31 acres of forest within the environmental buffer area, of which 3 acres will be used as a forest mitigation bank. Staff also discussed a proposed waiver request for frontage requirement for lot 11, block B, as well as transportation requirements under the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR).

13. Bowie Mill Property

In reply to a question from a Board member, Ms. Trini Rodriguez, architect for the applicant, discussed the proposed landscaping plan.

Mr. Jody Kline, attorney for the applicant, offered comments, answered questions from the Board, and concurred with the staff recommendation.

The following speakers offered testimony: Ms. Barbara Falcigno representing the Olney Coalition; and Mr. Howard Greif representing the Norbeck Grove Homeowners Association.

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

12. Kemp Mill Urban Park

***A. Forest Conservation Plan:** Northwest Quadrant of the intersection of Arcola Avenue and Lamberton Drive, R60 and R90 Zone, Kemp Mill Master Plan. Plan number PP2011001
Staff Recommendation: Approval with Conditions

B. Park Facility Plan for Park Renovation, 2.7 acres, located on the west side of Arcola Avenue at the intersection with Lamberton Drive, Kemp Mill Master Plan area.
Staff Recommendation: Approve Facility Plan and Cost Estimate

BOARD ACTION

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

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Other: **PRESLEY ABSENT**

Action: **A. Approved staff recommendation for approval, subject to conditions, as stated in the attached Board Resolution.**
 B. Approved staff recommendation for approval of the Facility Plan and proposed cost estimate.

Parks Department staff offered a multimedia presentation of the park facility plan for the renovation of the Kemp Mill Urban Park. Staff discussed the program requirements for the project and the three design concepts proposed for the park. Staff also discussed the expanded playground and the forest conservation plan, and noted that 0.13 acre of forest will be removed and the site does not have any trees that require a variance. Staff noted that tree protection measures are proposed to save as many trees as possible and the tree planting replacement requirement will be done offsite.

The following speakers offered testimony: Mr. James Priestley representing the Kemp Mill Civic Association; and Mr. Stuart Cohen of Monticello Avenue.

Parks Department Director Mary Bradford offered comments.

There followed extensive Board discussion with questions to staff.

14. [Subdivision Plat No. 220111050, Outlot 1, Block E, Cliftonbrook](#)

RC zone; 27,516 square feet; minor subdivision to create 1 lot; located in the east quadrant of the intersection of Pinebrook Drive and Pinebrook Court; Ashton-Sandy Spring Master Plan.

Staff Recommendation: Denial

BOARD ACTION

Motion: **DREYFUSS/ANDERSON**

Vote:
 Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: Contrary to the staff recommendation of denial, approved the subdivision plat, to be approved by the Board as a consent item at the next Planning Board meeting.

Planning Department staff discussed the request to create one lot out of an outlot on a 27,516 square foot property located in the east quadrant of the intersection of Pinebrook Drive and Pinebrook Court in the Ashton-Sandy Spring area. Staff noted that the Subdivision Regulations contain a specific provision which allows a property owner to convert an outlot into a building lot without requiring the submission of a preliminary plan and in this case staff's review of the proposed request and the historical documentation associated with the property do not support a minor subdivision application.

Ms. Michele Rosenfeld, attorney for the applicant, introduced members of the applicant team and offered comments and expressed the applicant's objection to the staff recommendation of denial.

Mr. Joe Pietanza, the applicant, offered comments.

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

Chair Carrier noted that following the Planning Board review of the information provided by staff and the applicant's representative, Board members came to the conclusion that the request should be approved.