



**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, October 13, 2011, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:04 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioner Casey Anderson. Commissioners Norman Dreyfuss and Amy Presley joined the meeting at 9:20 a.m. and 9:30 a.m. respectively.

Items 1 through 7 are reported on the attached agenda.

The Board recessed at 12:00 p.m. for lunch and to take up Item 15 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 12:20 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Anderson, 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)(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 General Counsel Adrian Gardner; Associate General Counsels Donna Calcote-Heatley and Sean Dixon of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley, Kate Stookey, and David Tobin of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board discussed and received advice from counsel regarding the Department of Parks and the Parks Foundation proposed changes to the naming rights policy.

The Closed Session was adjourned at 1:25 p.m.

The Board reconvened in the auditorium at 1:45 p.m.

MCPB, 10-13-11, APPROVED

Items 13, 8 through 12, and 14 are reported on the attached agenda. Items 11 and 12 were both postponed.

There being no further business, the meeting was adjourned at 5:04 p.m. The next regular meeting of the Planning Board will be held Thursday, October 20, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, October 13, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

Poplar Run (formerly known as Indian Spring) Site Plan 82007002A – MCPB No. 11-63

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other:**               **DREYFUSS, PRESLEY ABSENT**

**Action:**           **Adopted the Resolution cited above.**

**\*B. Record Plats**

**1. [Subdivision Plat No. 220052150, Wheaton Hills \(Revision\)](#); R-60 zone, 1 lot; located in the northeast corner of the intersection of Viers Mill Road (MD 586) and Newport Mill Road; Kensington-Wheaton Master Plan.**

*Staff Recommendation: Approval*

**2. [Subdivision Plat No. 22011050, Cliftonbrook](#); RC zone, 1 lot; located on the east side of Pinebrook Drive at the intersection of Pinebrook Court; Sandy Spring-Ashton Master Plan.**

*Staff Recommendation: Approval*

**3. [Subdivision Plat No. 22011090, Leesborough](#); RT-15 zone; 4 lots, 2 parcels; located at the intersection of Fleeter Place and Leesborough Drive Kensington – Wheaton Master Plan.**

*Staff Recommendation: Approval*

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other: DREYFUSS, PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the Record Plats cited above.**

**\*C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no other Consent Items submitted for approval.**

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**\*D. Approval of Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Planning Board Meeting Minutes submitted for approval.**

**2. M-NCPPC Headquarters Project**

Authorization to include a funding request in the FY 13-18 Capital Improvements Program for planning for a possible new M-NCPPC headquarters building in the Wheaton Central Business District.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/ANDERSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to authorize staff to include a funding request in the FY13-18 Capital Improvements Program (CIP) for planning a possible new M-NCPPC headquarters building in the Wheaton Central Business District.**

Parks Department staff briefed the Board on the proposed request to include funding in the FY13-18 CIP for construction of a new M-NCPPC headquarters building in the Wheaton Central Business District.

Planning Department Director Rollin Stanley offered comments.

Ms. Judy Koenick offered testimony.

**3. Department of Parks' CIP Adoption Session**

Review and approve projects for inclusion in the FY13-18 Capital Improvements Program (CIP)

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of proposed list of projects to be included in the FY13-18 Capital Improvements Program (CIP).**

Parks Department staff offered a multimedia presentation of the proposed list of projects to be included in the FY13-18 Capital Improvements Program and discussed the revisions made following Planning Board worksessions.

Parks Department Director Mary Bradford offered comments.

Ms. Judy Koenick offered testimony.

Commissioner Dreyfuss expressed concerns regarding the Legacy Open Space Program and the availability of funds.

There followed a brief Board discussion with questions to staff.

4. [ICC Environment Stewardship / Compensatory Mitigation Projects](#)

Approve the construction of wetland creation and stream restoration project PR-257 and stormwater management project NW-39 as part of the ICC Environmental Stewardship and Compensatory Mitigation Program.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/ANDERSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the construction of a proposed wetland and stream restoration project as part of the Intercounty Connector Environmental Stewardship and Compensatory Mitigation Program.**

In keeping with the September 30 technical staff report, Parks Department staff offered a multimedia presentation of the proposed construction of a stream restoration/wetland enhancement and stormwater management retrofit project as part of the Intercounty Connector environmental stewardship and compensatory mitigation program.

The following speakers offered testimony: Mr. Dennis Twombly representing Olney Mill Community Association, and Ms. Judy Koenick.

Parks Department Director Mary Bradford offered comments.

There followed a brief Board discussion with questions to staff.

5. [Rock Creek Regional Park](#)

Authorization to exchange with Montgomery County 16.5 +/- acres of solid waste impacted property in Rock Creek Regional Park for 17.0 +/- acres of undeveloped, natural area adjacent to the former Gude Landfill in Rockville, Maryland.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action:** Following a brief presentation by Parks Department staff, approved staff recommendation to authorize the Parks Department to exchange 16.5 acres of solid-waste impacted property in Rock Creek Regional Park for 17.0 acres of undeveloped, natural area adjacent to the former Gude Landfill in Rockville with Montgomery County.

**6. Lawson Gift Deed of 2.0 acres, Addition to Turkey Foot Stream Valley Park**

Authorization to accept Gift Deed to 2.0 acres, more or less, unimproved, from Margaret A. Lawson Tax ID 01792885, District 06, south of Turkey Foot Road and adjacent to Turkey Foot Stream Valley to the Maryland-National Capital Park and Planning Commission.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** DREYFUSS/ANDERSON

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to authorize Parks Department staff to accept a gift deed of 2.0 acres, more or less unimproved, from Margaret A. Lawson, to be added to the Muddy Branch Stream Valley Park.

Parks Department staff offered a brief presentation regarding the donation to The Maryland-National Capital Park and Planning Commission of 2.0 acres, more or less unimproved, from Margaret A. Lawson, to be added to the Muddy Branch Stream Valley Park, Unit 1. Staff noted that there are no existing structures on the Lawson property and the area is intended to be used as conservation parkland with no anticipated operating budget impact.

**7. Roundtable Discussion**

Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received Briefing.**

Parks Department Director Mary Bradford presented the Parks Director's report, in keeping with her submitted written report. Ms. Bradford highlighted important parks events coming up in the next few weeks in which Board members might want to participate, and also discussed Park Police accomplishments and various awards received by Parks Department staff.

**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.**

**13. [Preliminary Plan Review No. 120110040, Kensington Nursing Home](#)**

R-60 zone, 6.26 acres, 2 one-family lots and a nursing home; located at the southeast quadrant of the intersection with Drumm Avenue and McComas Avenue; Kensington-Wheaton

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: PRESLEY/ANDERSON**

**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 proposal to create three lots, one lot for the existing special exception nursing home use and two residential lots for single-family houses, as detailed in the staff report. Staff noted that the Board reviewed a pre-preliminary plan in March 2010 and provided non-binding guidance in support of submission of a preliminary plan. Staff also discussed the forest conservation plan, which grants a variance for impact to trees and requires both a Category I and a Category II conservation easement on the property. In discussion, staff made revisions to conditions 1 and 6.

Applicant representatives were available to respond to questions and provide additional information as needed.

There followed some discussion of the issue of the applicability of the resubdivision criteria to properties with special exception and other non-residential uses.

**8. Briefing on Template for Design Guidelines: Purpose, Structure and Content**

This is a presentation by Arun Jain, the consultant hired to assist staff with the development of a template for design guidelines that would be used in conjunction with master and sector plans and have a consistent philosophy and structure. Arun Jain, based in Portland, Oregon, has more than twenty years of experience in planning and urban design nationally and internationally.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received presentation and discussed.**

Following introductory comments by Planning Department staff, Mr. Arun Jain, consultant, offered a multimedia presentation on the purpose, structure, and content of design guidelines and discussed the proposed methodology for creating master plan design guidelines and how they will be used and implemented. Mr. Jain also discussed how design guidelines were developed and implemented in Portland, Oregon, under his direction.

There followed considerable discussion of the need to clarify the difference between mandatory standards/requirements and flexible implementation guidelines to achieve the master plan vision, and the need to retain some level of detail in the master plan standards to address standard method of development where there is no additional oversight required for by-right development.

Staff discussed those issues, using the Kensington Sector Plan and Design Guidelines as an example of the standards contained in the Sector Plan and the implementation recommendations contained in the Guidelines. In discussion, staff also responded to comments submitted in correspondence.

**9. [Worksession for the Draft Kensington Design Guidelines](#)**

*Staff Recommendation: Preliminary Approval and Transmittal to Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Provided guidance to staff for incorporation in the Guidelines prior to editing and formatting and final review by the Board.**

Planning Department staff presented the draft Kensington Design Guidelines for preliminary approval, discussing how the Guidelines relate to the Sector Plan recommendations and goals.

There followed discussion of individual items in the Guidelines, with the Board providing guidance to staff for incorporation into the Guidelines prior to final editing and formatting. The Board also directed staff to bring the Guidelines back for final review following that process.

**10. [Worksession for the Draft Urban Design Guidelines for the Wheaton CBD and Vicinity Sector Plan](#)**

*Staff Recommendation: Preliminary Approval and Transmittal to Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        Provided guidance to staff to be incorporated into the Guidelines prior to transmittal to the County Council.**

Planning Department staff presented the revised draft Guidelines for Board approval for transmittal to the County Council. The revised draft incorporates guidance provided by the Board in July and additional comments from the public.

Mr. Pete McGinnity, County Department of General Services (DGS), noted that the comments he submitted on behalf of the Wheaton Redevelopment Program referred to a previous draft of the Guidelines.

Ms. Judy Higgins and Ms. Eleanor Duckett, representing the Kensington View Civic Association, reviewed the concerns they raised in correspondence.

Staff responded to the concerns raised and there followed considerable discussion about the issues previously discussed about design guidelines in general, including the balance between flexibility and specificity; the need to create certain standards to protect existing communities in the master plans, while retaining flexibility in the guidelines; and the issue of standards and requirements for by-right standard development.

#### **11.    2011 Mobility Assessment Report (MAR) - POSTPONED**

Presentation to Board and discussion as required biannually under Subdivision Staging Policy legislation. This report provides an update on the status of current traffic congestion in the County, focusing on both intersection and corridor levels of congestion. This report also includes an update of future traffic congestion conditions in the County.

*Staff Recommendation: Transmit Report to County Council*

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        This item was postponed.**

**12. Preliminary/Final Water Quality Plan No. S-2816, T-Mobile at Gibson Property -  
POSTPONED**

115-foot tall unipole, wireless telecommunications facility and equipment compound, located on Parcel P161 at 2815 Cabin Creek Drive, Burtonsville, MD, RE-1 Zone, Fairland Master Plan and the Upper Paint Branch Special Protection Area (SPA)

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        This item was postponed.**

**14. Fenwick Station**

**A. Project Plan Review No. 920110010, Fenwick Station;** CBD-1 zone, 2.84 acres, 1 lot for 310 multi-family dwelling units; located in the southeast quadrant of the intersection with Spring Street and Second Avenue; Silver Spring CBD

*Staff Recommendation: Approval with Conditions*

**B. Preliminary Plan Review No. 120110400, Fenwick Station;** CBD-1 zone, 2.84 acres, 1 lot for 310 multi-family dwelling units; located in the southeast quadrant of the intersection with Spring Street and Second Avenue; Silver Spring CBD

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

**Vote:**

**Yea:                    1. 5-0  
                                  2. 5-0  
                                  3. 5-0**

**Nay:**

**Other:**

- Action:**
- 1. Approved the recommendation of Legal Counsel to issue a letter to the US Postal Service indicating that the requirements for mandatory referral review of the sale of the land by the US Postal Service have, in essence, been accomplished through the review process of the subject project plan and preliminary plan.**
  - 2. Approved the staff recommendation to approve the project plan, subject to revised conditions, as stated in the attached Board Resolution.**
  - 3. Approved the staff recommendation to approve the preliminary plan, subject to revised conditions, as stated in the attached Board Resolution.**

Planning Department staff presented the project plan and preliminary plan to consolidate two recorded lots and four parts of lots into one lot for the redevelopment of the Silver Spring Post Office property with a six-story 310-unit residential building with underground parking, as detailed in the staff report. Staff discussed the proposed amenities, including a public plaza, streetscape improvements, extension of the Silver Spring Green Trail, and a temporary pathway for the future Capital Crescent Trail. Staff also discussed forest conservation requirements and distributed revised conditions for both the project plan and preliminary plan.

Legal Counsel to the Board noted that requirements for mandatory referral review by the Planning Board apply to the sale of land by a public body. Counsel stated that the noticing

**14. [Fenwick Station](#)**

requirements and analysis for a mandatory referral review of the sale of the land by the US Postal Service to the applicant have, in essence, been accomplished through the noticing and analysis associated with the review of the subject project plan and preliminary plan. Therefore, no further mandatory referral review process is required, and Counsel recommended that the Board send a letter to the US Postal Service to that effect.

Mr. Bob Harris, attorney representing the applicant, concurred in the staff recommendation, and Mr. Ed Novak of the applicant company elaborated on various aspects of the proposal.

In discussion, Mr. Harris and staff responded to Board questions and provided additional information as needed.