



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

**APPROVED  
MINUTES**

November 1 and 4, 2010

The Montgomery County Planning Board met in Closed Session on Monday, November 1, 2010, at 5:40 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:30 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:

On Monday, November 1, 2010, the Montgomery County Planning Board convened in Closed Session at 5:05 p.m., in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley participating via teleconference. Commissioner Presley joined the Closed Session at 5:50 p.m. 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)(9), State Government Article, Annotated Code of Maryland, to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Director Rollin Stanley, John Carter, Alison Davis, Richard DeBose, Dan Hardy, Rose Krasnow, Glenn Kreger, Piera Weiss, and Mark Pfefferle of the Planning Department; Jasmine Prepetit of the Department of Human Resources and Management; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, John Hench, Mike Horrigan, Karen Warnick, Brian Woodward, and Mary Ellen Venzke of the Parks Department; Captain Darien Manley of the Park Police; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board continued its Closed Session discussion of September 30, 2010, of the Planning Department proposed reorganization, received additional information from the Planning Director and the Division Chiefs, and discussed the FY12 proposed budget for the Parks Department.

The Closed Session was adjourned at 8:00 p.m.

On Thursday, November 4, 2010, the Montgomery County Planning Board met in regular session at 9:14 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:05 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1 through 3 are reported on the attached agenda.

The Board recessed at 1:23 p.m. for lunch and to take up Item 14 in Closed Session. Closed Session Item 13 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 1:42 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 Dreyfuss and Presley present and voting in favor of the motion, and Commissioner Alfandre absent. 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 Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Director Rollin Stanley, Patrick Butler, Mark Pfefferle, and Joshua Sloan of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on forest conservation encroachment and mitigation issues related to the Seneca Meadows preliminary plan on the evening agenda.

The Closed Session was adjourned at 2:17 p.m.

The Board reconvened in the auditorium at 2:30 p.m.

Items 4 through 8 are reported on the attached agenda.

Item 12, a Closed Session item, was discussed in the third floor conference room.

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 Montgomery County Planning Board convened in Closed Session at 4:30 p.m., in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley

present and voting in favor of the motion, and with Commissioner Alfandre 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.

Also present for all or part of the Closed Session, were Director Rollin Stanley and Alison Davis of the Planning Department; Jasmine Prepetit of the Department of Human Resources and Management; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board continued discussion of the FY12 proposed budget for the Planning Department.

The Closed Session was adjourned at 5:05 p.m. and the Board recessed for dinner.

The Board reconvened in the auditorium at 7:05 p.m.

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

There being no further business, the meeting was adjourned at 9:05 p.m. There will not be a Planning Board meeting on Thursday, November 11, 2010, Veterans Day. The next regular meeting of the Planning Board will be held Thursday, November 18, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, November 4, 2010**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**Consent Agenda**

**\*A. Adoption of Resolutions**

Wheaton Safeway Site Plan 820110010 – ADOPTION OF MCPB RESOLUTION No. 10-149

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Adopted the Resolution.**

**B. Record Plats**

Subdivision Plat No. 220100210 – 220100230, Fairwood Crossing at Blackburn Village; R-90/TDR zone; 63 lots, 5 parcels; located on the east side of Columbia Pike (US 29), 150 feet north of Blackburn Road; Fairland.

*Staff Recommendation: Approval*

Subdivision Plat No. 220100510, Glen Vista; RE-2 zone, 3 lots; located on the east side of South Glen Road, approximately 2,000 feet north of Deep Glen Drive; Potomac Subregion.

*Staff Recommendation: Approval*

Subdivision Plat No. 220100840, Takoma Park; R-60 zone; 1 lot; located on the east side of Oswego Avenue, 600 feet south of Ritchie Avenue; Takoma Park.

*Staff Recommendation: Approval*

Subdivision Plat No. 220101050, Holly Hill; R-200 zone; 1 lot; located in the southwest quadrant of the intersection of Deepwell Drive and Hollyoak Drive; Potomac Subregion.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**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.**

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**D. Approval of Minutes**

Minutes of October 4 and 7, 2010

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the minutes of October 4 and 7, 2010, as presented.**

**2. White Flint Implementation**

*Staff Recommendation: Discuss Staging Allocation Issues*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Discussed and provided guidance to staff.**

Planning Department staff presented an overview of issues related to staging allocation in the White Flint Sector Plan, as detailed in the staff report, in anticipation of preparing the required Staging Allocation Policy Report and Transportation Approval Mechanism.

There followed extensive discussion of staging capacity allocation, particularly in terms of whether staging capacity should be reserved/assigned at sketch plan, preliminary plan, site plan, or filing for or release of building permits, and the duration of reserved capacity.

Mr. Arnold Kohn, representing White Flint Mall; Mr. William Kominers, representing North Bethesda Gateway; Mr. Evan Goldman, representing Federal Realty Investment Trust and the White Flint Partnership; Ms. Patricia Harris, representing Washington Real Estate Investment, Inc.; Mr. Steven Robins, representing The JBG Companies and the White Flint Partnership; Mr. Steven Kaufman, land use attorney; and Ms. Natalie Goldberg of Kensington, participated in the discussion.

**3. Worksession on Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources**

*Staff Recommendation: Recommend to County Council the designation of two historic districts and 13 individual sites to the Master Plan for Historic Preservation. Remove 16 resources from and add 3 resources to the Locational Atlas and Index of Historic Sites*

**BOARD ACTION**

- Motion:**
- 1. DREYFUSS/WELLS-HARLEY**
  - 2. WELLS-HARLEY/PRESLEY**
  - 3. PRESLEY/WELLS-HARLEY**
  - 4. WELLS-HARLEY/PRESLEY**
  - 5. PRESLEY/WELLS-HARLEY**
  - 6. WELLS-HARLEY/PRESLEY**
  - 7. PRESLEY/WELLS-HARLEY**
  - 8. WELLS-HARLEY/PRESLEY**
  - 9. DREYFUSS**
  - 10. WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea:**           **1-8. 4-0**  
                      **10. 3-1**

**Nay:**           **10. DREYFUSS**

**Other:**       **ALFANDRE ABSENT**

**Action:**       **1. Approved the staff recommendation to remove the following resources from the Locational Atlas, without designation on the Master Plan for Historic Preservation: Resource #10/3, John Moxley House; 10/5, John D. Purdum House; 10/18, Burdette-Riddle Farm; 12/10, James Lauman Farm; 15/2, Matthew Molesworth Farm; 15/3, Rezin Moxley House; 15/6, Becraft Farm; 15/7 Brown's Tobacco House; 15/9, Capt. Clagett-Hilton Farm; 15/12, Thompson-Woodfield Farm; 15/14, Mullinix Store Site; 15/19, Warthan-Day Farm; 15/21, John O. Etchison House; 15/24, Wilson Warfield Farm; 15/26, Fred Watkins Farm; and 15/30, Log Barn Site.**

**2. Approved the staff recommendation to designate resource 10/1, Friendship, on the Master Plan for Historic Preservation.**

**3. Approved the staff recommendation to designate resource 15/5, Molesworth-Burdette Farm, on the Master Plan for Historic Preservation.**

**4. Approved the staff recommendation to designate resource 15/13, Shipley-Mullinix Farm, on the Master Plan for Historic Preservation.**

**5. Approved the staff recommendation to designate resource 15/16, Clagett-Brandenburg Farm & Tobacco House, on the Master Plan for Historic Preservation.**

**6. Approved the staff recommendation to designate resource 15/17, Sarah Brandenburg Farm, on the Master Plan for Historic Preservation.**

**3.        Worksession on Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources**

**Action: (Continued)**

**7. Approved the staff recommendation to designate resource 15/20, Mt. Lebanon MP Church-Cemetery, on the Master Plan for Historic Preservation.**

**8. Approved the staff recommendation to add resource 15/71, Chrobot House (Margaret Price House), to the Locational Atlas and designate on the Master Plan for Historic Preservation.**

**9. Motion to remove resource 15/73, Basil Warfield Farm (2 tax parcels), from the Locational Atlas without designation on the Master Plan for Historic Preservation (FAILED FOR LACK OF A SECOND)**

**10. Approved the staff recommendation to add resource 15/73, Basil Warfield Farm (2 tax parcels), to the Locational Atlas and designate on the Master Plan for Historic Preservation.**

Historic Preservation staff provided an overview of the historic preservation designation process, the criteria used, and the identification of environmental settings, and Transportation Planning staff discussed the Transportation memorandum and how transportation issues are addressed in relation to historic preservation. Historic Preservation staff then presented an overview of the history of the Upper Patuxent Area and specific recommendations for removal of 16 resources from the Locational Atlas and for designation of 8 resources on the Master Plan for Historic Preservation, as detailed in the staff report.

Ms. Donna Isaacs and Ms. Maria Kolick, representing Moxley Farm LLC; and Ms. Judith Koenick offered comments.

**13. Closed Session - POSTPONED**

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**14. Closed Session**

Pursuant to Maryland State Government Code Annotated Section 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.**

**4. Bus Rapid Transit (BRT) Presentation by Councilmember Marc Elrich**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received a presentation on Bus Rapid Transit by Councilmember Marc Elrich and discussed.**

**5. Forest Conservation Variance for Forest Conservation Plan Amendment 12003092A, Sandy Spring Friends School**

RE-2; 140.54 acres; request for a variance under section 22A-21 of the Montgomery County Forest Conservation Law for impacts to specimen trees pursuant to Section 1607(c) of the Natural Resources Article, MD Annotated Code

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the staff recommendation to approve the requested forest conservation variance.**

Environmental Planning staff presented the request for a forest conservation variance to allow impact to the critical root zones of three trees, in association with a submitted forest conservation plan amendment, as detailed in the staff report. Staff distributed a revised data table.

**6. Forest Conservation Variance Request for SC2010015 Potomac View, Lot 32**

Request for a variance under section 22A-21 of the Montgomery County Forest Conservation Law for the impact and removal of specimen trees pursuant to Section 1607(c) of the Natural Resources Article, MD Ann. Code

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT  
PRESLEY TEMPORARILY ABSENT**

**Action: Approved the staff recommendation to approve the requested forest conservation variance.**

Environmental Planning staff presented the request for a Forest Conservation Variance to remove two trees and allow impact to two additional trees with diameter of 30-inches and greater, in association with the proposed construction of a house, as detailed in the staff report. Staff distributed a revised data table and corrected the language on page 1 to indicate that the site is mostly unforested, rather than forested.

Mr. Kevin Foster, representing the applicant, concurred in the staff recommendation and offered comments.

**7. Forest Conservation Variance Request for SC2011001 Allcock Property**

Request for a variance under section 22A-21 of the Montgomery County Forest Conservation Law for the impact and removal of specimen trees pursuant to Section 1607(c) of the Natural Resources Article, MD Ann. Code

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT  
PRESLEY TEMPORARILY ABSENT**

**Action: Approved the staff recommendation to approve the requested forest conservation variance.**

Following a brief staff presentation, Mr. Patrick Perry, Engineer representing the applicant, concurred with the staff recommendation.

**8. Ridge Road Recreational Park**

Authorization to acquire 2.37 acres, more or less, improved, from the Estate of Elizabeth B. King, located at 21520 Ridge Road (MD Rte. 27), Germantown, Maryland 20876, with Advance Land Acquisition Revolving Funds (ALARF)

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE ABSENT  
PRESLEY TEMPORARILY ABSENT

**Action:** Approved staff recommendation to authorize proposed acquisition of park land.

Parks Department staff presented highlights of the request to acquire 2.37 acres of land from the Estate of Elizabeth B. King to be added to the Ridge Road Recreational Park. Staff noted that the property is located on Ridge Road in Germantown, and the \$460,000 acquisition will be financed with Advance Land Acquisition Revolving Funds (ALARF).

**12. Closed Session**

Pursuant to Maryland State Government Code Annotated Section 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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

9. Seneca Meadows

**A. Preliminary Plan 11998004A, Seneca Meadows Corporate Center;** TMX-2 and I -3 zones; 156.5 acres; 13 lots previously approved for 1,577,000 square feet of office and 83,000 square feet of retail use; request to modify the mix of uses to 1,319,700 square feet of office use and 257,300 square feet of retail and grocery use; located in the southwest quadrant of the intersection of Observation Drive and Ridge Road; Germantown Master Plan

*Staff Recommendation: Approval with Conditions*

**B. Site Plan Review No. 820100140, The Shops at Seneca Meadows;** TMX-2 zone; 21.00 acres; mixed-used development consisting of 43,570 square feet of retail space, 163,000 square feet of commercial space and 32,870 square feet of office and restaurant space; located in the northwest quadrant of the intersection of Observation Drive and Seneca Meadows Parkway; Germantown

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                   A) ALFANDRE/WELLS-HARLEY  
                                  B) ALFANDRE/WELLS-HARLEY

**Vote:**

**Yea:**                    A) 3-0-1  
                                  B) 3-0-1

**Nay:**

**Other:**                PRESLEY ABSTAINED  
                                  ALFANDRE ABSENT

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

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

In keeping with the October 24 technical staff report, Development Review staff offered a multimedia presentation of the limited Preliminary Plan Amendment request to increase the amount of approved retail square footage from 83,000 square feet to 206,570, reduce the amount of approved office and retail development from 1,577,000 square feet to 1,319,700, and create two lots and a parcel for future dedication for the construction of a 150,000 square feet grocery store, 28,579 square feet of general office, 4,300 square feet of professional office, and 56,579 of retail/restaurant uses. Staff also noted that the proposed site plan only applies to the grocery, office, and retail development on the newly created lots. Staff added that the proposed development would create two lots and one parcel for future dedication of a right-of-way to serve the Corridor Cities Transitway (CCT). The applicant will submit a new site plan to reflect the proposed buildout of the currently undeveloped portion of the Seneca Meadows Corporate Center.

9. Seneca Meadows

Transportation Planning and Environmental Planning staff offered comments regarding the proposed right-of-way for the CCT and forest conservation requirements for the proposed site.

Mr. Jody Kline, attorney for the applicant, introduced members of the applicant's team, discussed the proposed request, and concurred with the staff recommendation.

Mr. Gary Underberg, member of the applicant's team, offered a presentation regarding the proposed phasing and design of the project.

Mr. Macy Nelson, attorney representing Messrs. Kevin Beaswell of Twinflower Circle, Keith DeWit of Ridge Court Drive, and Derrick Householden of Mateny Hill Drive; and Mr. Greg Pringle of Century Boulevard, offered testimony.

There followed extensive Board discussion.

10. ICC Environmental Stewardship/Compensatory Mitigation Projects Part I

Approval of 4 ICC ES/CM stream restoration projects (PB-8, PB-108, PB-118, and PB-37) on parkland located in the Upper Paint Branch watershed.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved staff recommendation to approve Mandatory Referral 1004SHA-1 for the construction of four stream restoration projects in the Upper Paint Branch Special Protection Area (SPA) as part of the Intercounty Connector (ICC) Environmental Stewardship and Compensatory Mitigation Program.**

In keeping with the October 28 technical staff report, Parks Department staff offered a multi-media presentation of four stream restoration projects in the Upper Paint Branch SPA, as part of the ICC Environmental Stewardship and Compensatory Mitigation Program and requested the Board approval of these projects.

Mr. Chuck Weinkam, Environmental Stewardship and Mitigation Manager for the ICC Project offered comments.

Mr. Andrew Jahns of Cradock Street, an abutting property owner, offered testimony.

**11. ICC Environmental Stewardship/Compensatory Mitigation Projects Part II**

Approval of 3 ICC ES/CM Special Protection Area (SPA) Best Management Practices (BMPs) located within Montgomery County DOT right-of-way (PB-116, PB-117, and PB-119).

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved staff recommendation to approve Mandatory Referral 1005SHA-1 for the construction of three Upper Paint Branch Special Protection Area (SPA) Best Management Practice (BMP) Environmental Stewardship projects, which are located within Montgomery County Department of Transportation (DOT) right-of-way.**

In keeping with the October 25 technical staff report, Parks Department staff offered a multi-media presentation of three Upper Paint Branch SPA Best Management Practice (BMP) Environmental Stewardship projects, which are located within the Montgomery County DOT right-of-way and requested the Board approval of these projects.