



**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, November 12, 2009, at 9:30 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:20 p.m.

Present were Chairman Royce Hanson, and Commissioners Joe Alfandre, Marye Wells-Harley, and Amy Presley.

Items 1 through 4 and Items 6 through 8 are reported on the attached agenda.

Item 5 was postponed until the afternoon session.

The Board recessed at 10:25 a.m., and reconvened at 12:30 p.m. in the third floor conference room to take up Item 12 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 12:30 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with Chairman Hanson and Commissioners Alfandre, Wells-Harley, 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 Associate General Counsels Carol Rubin, David Lieb, Tracey Harvin, and Christina Sorrento of the Legal Department; Planning Department Director Rollin Stanley; Rose Krasnow, Cathy Colon, Callum Murray, Katherine Holt, and Richard Weaver of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and discussed sand mounds, an issue which will come up during the discussion of Preliminary Plan No. 120090390, Potomac Estates, at the November 19 Planning Board meeting.

The Closed Session was adjourned at 1:05 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:15 p.m.

Item 9 was postponed. Items 13, 10, 5, and 11, taken up in that order, are reported on the attached agenda.

Following the last item on the agenda, on motion of Commissioner Alfandre, seconded by Commissioner Presley, the Board voted unanimously to appoint Commissioner MaryeWells-Harley as the Vice Chair of the Planning Board.

There being no further business, the meeting was adjourned at 3:20 p.m. The next regular meeting of the Planning Board will be held Monday, November 16, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, November 12, 2009, 9:30 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**1. Adoption of Resolutions**

Correction to Resolution for Germantown Estates, Site Plan No. 820090090 - **ADOPTION OF MCPB RESOLUTION No. 09-134**

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

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

**2. Record Plats**

**Subdivision Plat No. 220100110, Brookmont, Section 1**

R-60 zone; 1 lot; located on the east side of Broad Street, 500 feet north of Valley Road; Bethesda-Chevy Chase.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved Record Plat cited above.**

**3. Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Consent Items.**

**4. Approval of Minutes**

There will be no Minutes to approve

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **There were no Minutes submitted for approval.**

**5.     Fairland Elementary School**

**A. Water Quality Plan for Fairland Elementary School**, 14315 Fairdale Road, Silver Spring, Maryland R-200 Zone and the Environmental Overlay Zone to the Upper Paint Branch Special Protection, Fairland Master Plan

*Staff Recommendation: Denial*

**B. Forest Conservation Plan for Fairland Elementary School**, 14315 Fairdale Road, Silver Spring, Maryland R-200 Zone and the Environmental Overlay Zone to the Upper Paint Branch Special Protection, Fairland Master Plan

*Staff Recommendation: Approval with Conditions*

**C. Mandatory Referral No. 09707-MCPS-1, Fairland Elementary School**, 14315 Fairdale Road, Silver Spring, Maryland R-200 Zone and the Environmental Overlay Zone to the Upper Paint Branch Special Protection, Fairland Master Plan

*Staff Recommendation: Approval to Transmit Comments to MCPS*

**BOARD ACTION**

**Motion:**           **A. PRESLEY/WELLS-HARLEY**  
                          **B. WELLS-HARLEY/PRESLEY**  
                          **C. PRESLEY/ALFANDRE**

**Vote:**

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

**Nay:**

**Other:**

**Action:**       **A. Approved the water quality plan, subject to conditions.**  
                          **B. Approved the forest conservation plan, subject to conditions, as stated in the attached Board Resolution.**  
                          **C. Approved the mandatory referral, subject to revised conditions, as stated in the attached transmittal letter.**

Environmental Planning staff and Urban Design staff presented the water quality plan, forest conservation plan, and mandatory referral review of the proposed addition to Fairland Elementary School, as detailed in the respective staff reports. Due to a new agreement with Montgomery County Public Schools (MCPS) to create a land bank for credit for impervious surface associated with this and other projects within the special protection area (SPA), staff now recommends approval of the water quality plan, subject to conditions, which staff distributed. Staff also verbally revised the first condition for the mandatory referral, related to a pedestrian connection.

**5. Fairland Elementary School**

There followed extensive Board discussion and questions to staff about the forested 21-acre school site within the Upper Paint Branch SPA that MCPS will dedicate as a land bank for use in satisfying water quality and forest conservation requirements associated with school projects.

Mr. James Song representing Montgomery County Public Schools participated in the discussion.

Ms. Judy Koenick of Chevy Chase offered comments.

**6. Muncaster Manor (Resubdivision)**

**A. Preliminary/Final Water Quality Plan 120090190, Muncaster Manor (Resubdivision)**

RE-1 zone; 5.21 acres; 2 lots requested for 2 one-family detached residential dwellings, one existing to remain; located on Granby Road, 1,205 feet northwest of Muncaster Road; Upper Rock Creek.

*Staff Recommendation: Approval with Conditions*

**B. Preliminary Plan 120090190, Muncaster Manor, (Resubdivision),** RE-1 zone; 5.21 acres; 2 lots requested for 2 one-family detached residential dwellings, one existing to remain; located on Granby Road, 1,205 feet northwest of Muncaster Road; Upper Rock Creek.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

**Vote:**

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

**Nay:**

**Other:**

**Action:**                **A. Approved staff recommendation for approval, subject to 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 accordance with the October 19 technical staff report, Development Review and Environmental Planning Divisions staff presented the request to create two lots for two one-family detached residential dwellings on a 5.21-acre property located on Granby Road, 1,205 feet northwest of Muncaster Road in Upper Rock Creek. Staff noted that the forest conservation plan for this property has been reviewed and staff supports the granting of a waiver to allow the removal of four trees, as mentioned in the list of conditions. Staff added that the proposed plan meets the requirements of the Subdivision Regulations and the final water quality requirements.

Mr. David McKee, engineer representing the applicant, introduced Mr. Sam Joseph, the applicant, also present, and concurred with the staff recommendation.

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

**7. Mainhart Property**

**A. Preliminary Plan 120070730, Mainhart Property**

RT-10 zone; 3.28 acres; 32 lots requested for one-family attached units (townhouses), including 4 (MPDUs; located in the southwest/southeast quadrant of the intersection of Redland Road and Yellowstone Way; Shady Grove

*Staff Recommendation: Approval with Conditions*

**B. Site Plan 820070250, Mainhart Property**

RT-10 zone; 3.28 acres; 32 one-family attached units (townhouses), including 4 MPDUs; located southwest quadrant of the intersection with Mid-County Highway and Washington Grove Road; Shady Grove

*Staff Recommendation: Approval with Conditions.*

**BOARD ACTION**

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

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

**Nay:**  
**Other:**

**Action:**            **A. Approved staff recommendation for approval, subject to 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 29 technical staff report, Development Review Division staff presented the request to create 32 lots for one-family attached units (townhomes), including four Moderately Priced Dwelling Units (MPDUs), on a 3.28-acre property located in the southwest/southeast quadrant of the intersection of Redland Road and Yellowstone Way in Shady Grove. Staff noted that the plan includes several open space areas, recreational amenities, a hiker biker trail along Mid-County Highway as well as a noise fence. Staff added that the applicant

will coordinate with the adjacent neighbors on Woodward's Store Road regarding the landscape plan, and will also discuss with Montgomery County Department of Transportation (MCDOT) staff the feasibility of installing "No Parking" signs along Woodward's Store Road right-of-way to deter future residents and guests from parking there. Staff also noted that the Plan is in accordance with the Master Plan requirements and the Forest Conservation Plan.

Ms. Anne Martin, attorney representing the applicant, introduced members of the applicant's team, 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.

## **8. Strawberry Knoll**

**Site Plan Review No. 820090160, Strawberry Knoll**, R-200/TDR zones; 4.11 acres; 13 single-family dwelling units; located on Strawberry Knoll Road, approximately 300 feet northeast of Quail Valley Boulevard and Traxell Way; Gaithersburg

*Staff Recommendation: Approval with Conditions*

### **BOARD ACTION**

**Motion:**                   **PRESLEY/ALFANDRE**

**Vote:**

**Yea:**                   **4-0**

**Nay:**

**Other:**

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

In accordance with the October 29 technical staff report, Development Review Division staff presented the request to create 13 single-family dwelling units on a 4.11-acre property located on Strawberry Knoll Road, approximately 300 feet northeast of Quail Valley Boulevard and Traxell Way in Gaithersburg. Staff noted that the applicant is proposing landscaping around the edges of the property. Staff added that the applicant will provide a sidewalk extension along Strawberry Knoll Road up to the intersection with Cross Country Lane to the north. Staff further added that the proposed site plan meets all the requirements of the Master Plan and the Forest Conservation Plan.

Mr. Russell Reese, 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 representative.

**12. Closed Session**

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) (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.**

**9. FY11 Operating Budget Worksession - POSTPONED**

**A. CAS**

**B. Commissioner's Office**

**C. Planning**

**D. Parks**

**(No Public Testimony Testimony Taken)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**13. Department of Parks Fleet Report**

Seek Park Commission's approval to transmit the Vehicle Fleet Report to the Planning, Housing, and Economic Development Committee (PHED).



**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Received report and offered guidance to staff for revisions and additions prior to transmittal to the County Council's Planning, Housing, and Economic Development (PHED) Committee.

Parks Department staff presented a report on the Commission's Montgomery County vehicle fleet, prepared at the request of the County Council's Planning, Housing, and Economic Development (PHED) Committee. The report included the types and numbers of vehicles, life cycle replacement, costs, and maintenance.

**10. Zoning Text Amendments**

**A. Zoning Text Amendment No. 09-09** to amend the Zoning Ordinance to revise provisions for violations, penalties, and enforcement of a Planning Board action.

*Staff Recommendation: Transmit Comments to the County Council*

**(Action required for County Council public hearing of 11/17/09)**

**B. Subdivision Regulation Amendment No. 09-03** to amend the Subdivision Regulations to revise the procedures to enforce a Planning Board action; and to generally amend the provisions for issuance, enforcement, and appeals of Planning Board actions.

*Staff Recommendation: Transmit Comments to the County Council*

**(Action required for County Council public hearing of 11/17/09)**

**C. Bill 34-09 to amend Chapter 22A, Forest Conservation**, to amend the forest conservation law to modify the number of required inspections and the notification period for inspections; to specify the penalty procedures for violations of the forest conservation law; and to modify the hearing procedures for violations of the forest conservation law.

*Staff Recommendation: Transmit Comments to the County Council*

**(Action required for County Council public hearing of 11/17/09)**

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action:**       **Approved the staff recommendation, as stated in the attached Letter of Transmittal.**

Development Review Division staff presented the package of legislation related to enforcement of Planning Board actions, noting that the Board transmitted the package to the County Council for introduction in July. The amendments as introduced are before the Board for comment for the Council's public hearing. Staff reviewed the changes made by Council staff prior to introduction.

**11. Roundtable Discussion**

**A. Maryland Department of Transportation's Draft FY10-FY15 Consolidated Transportation Program**

**B. Update on the 2009-2011 Growth Policy**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **Received briefings on (A) changes to the Maryland Department of Transportation Draft FY10-FY15 Consolidated Transportation Program and (B) County Council action on the 2009-2011 Growth Policy, as detailed in the respective staff reports.**