



**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, January 21, 2016, at 12:04 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:25 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Amy Presley and Natali Fani-González.

Commissioner Dreyfuss joined the meeting at 12:12 p.m.

The Board convened in Closed Session at 12:04 p.m. to take up Item 12, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 12:04 p.m. in the 3<sup>rd</sup> floor conference room on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were Deputy Director Rose Krasnow and Tom Autrey of the Planning Department; Principal Counsels Carol Rubin and Donna Calcote-Heatley, and Senior Counsel Megan Chung of the Legal Department; Director Mike Riley, Acting Deputy Director Mitra Pedoeem, Andy Frank, John Hench, Josh Kaye, and Chuck Kines of the Parks Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and advice from counsel regarding the Purple Line Memorandum of Agreement.

The Closed Session meeting was adjourned at 12:53 p.m.

The Board reconvened in the auditorium at 1:01 p.m.

Items 1 through 3, 13, 8, 4 through 7, 9, and 10, discussed in that order, are reported on the attached agenda.

MCPB, 1-21-16, APPROVED

Item 11 was removed from the agenda.

There being no further business, the meeting was adjourned at 5:25 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 28, 2016, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer/Editor

James J. Parsons  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, January 21, 2016**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**12. CLOSED SESSION**

According to MD ANN Code, General Provisions Articles, § 3-305(b)(3) and (7), to consider the acquisition of real property for a public purpose and consult with counsel to obtain legal advice on the Purple Line Project Memorandum of Agreement.

**The topic to be discussed is the Purple Line Memorandum of Agreement**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **There were no Resolutions submitted for adoption.**

**\*B. Record Plats**

**Subdivision Plat No. 220150140 & 220150150, Montgomery White Oak**

R-90 zone, 21 lots and 11 parcels; located along Regent Manor Court and Whitehall Drive respectively; White Oak Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**               **FANI-GONZÁLEZ/WELLS-HARLEY**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Approved staff recommendation for approval of the Record Plat cited above, as submitted.**

**\*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 January 7, 2016

**BOARD ACTION**

**Motion:**               **FANI-GONZÁLEZ/PRESLEY**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Approved Planning Board Meeting Minutes of January 7, 2016, as submitted.**

## **2. Roundtable Discussion**

- Planning Director's Report

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

**Planning Department Director's Report** – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the status of the Montgomery Village Master Plan, a recent meeting with the Planning, Housing, and Economic Development Committee (PHED), and a full County Council meeting scheduled for January 26; the status of the Westbard Sector Plan, two County Council public hearings scheduled for January 26 and 28, a meeting with representatives from the Housing Opportunities Commission on January 28, a planned tour of the sector plan area with Council members, and a meeting with the PHED Committee scheduled for March; the status of the Bethesda Downtown Sector Plan and the next worksession scheduled for February 4; the status of the Lyttonsville Sector Plan and a Planning Board public hearing scheduled for February 11; the status of the MARC Rail Station Plan, the staff presentation of the Scope of Work scheduled for January 28, and community charrettes in the Boyds and Germantown areas scheduled for March 14, 15, and 16; the status of ongoing work for the Rock Spring Sector Plan, White Flint II Sector Plan, Bicycle Master Plan, and the Subdivision Staging Policy; the ongoing Winter Speakers Series, which this year focuses on transportation issues, with the initial session held last evening and attended by two County Council members, and two more sessions scheduled for February 16 and March 16; the status of Makeover Montgomery 3 conference on smart growth, scheduled for May, which will focus on Transit-Oriented Development, equity, and the sharing economy; and the status of upcoming Black History Month events, including work by the Historic Preservation staff in the development of Geographic Information Systems maps of historic African-American sites and communities within the County.

There followed a brief Board discussion with questions to Ms. Wright.

**3. Staff Draft Countywide Park Trails Plan Amendment** --- Staff will present the Staff Draft for the master plan amendment. The draft recommendations will include a new plan framework called “Loops and Links” as well as an implementation strategy and funding priorities to inform future CIPs.

*Staff Recommendation: Approve the Staff Draft as the Public Hearing Draft and schedule the public hearing for March 3, 2016*

**BOARD ACTION**

**Motion: PRESLEY/DREYFUSS**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Park Trails Plan Amendment staff draft as the public hearing draft, with revisions discussed during the meeting, and scheduled the public hearing for March 3.**

Parks Department staff offered a multi-media presentation and discussed the staff draft of the 2016 Countywide Park Trails Plan (CWPTP) Amendment. Staff stated that the Board approved the Plan objectives, outreach strategy and schedule on October 6, 2011, and the preliminary service delivery strategy on December 6, 2012. Planning process and community outreach meetings have included public meetings in January 2012, June 2013, and September, 2015; Trails Working Group (TWG) meetings from October 2011 through October 2015; briefings to the Montgomery County Bicycle Action Group; and briefings to the Countywide Advisory Board. In addition to public meetings, community outreach also includes a project web page. Staff stated that the Plan Amendment includes recommendations for hard surface and natural trails that are located on Maryland-National Capital Park and Planning Commission parkland as well as those on public lands belonging to other agencies that support the current trail plan, trails that link major parks and adjacent communities, trails that are important components of a regional network, and trails that complement the Countywide Bikeways Functional Master Plan. The Amendment does not address trails that are located solely within recreational, regional, local, or neighborhood parks; trails that are mainly programmed for natural and cultural interpretation; specially marked trails; trails located on lands owned or controlled by agencies that do not support the current trail plan; unsanctioned trails; or trails located on private lands. The objectives of the amendment include incorporating recommendations from the Vision 2030 Strategic Plan; identifying and recommending solutions to issues and areas that have caused implementation problems; adjusting or eliminating proposed trail corridors and alignments in order to eliminate reliance on trail easements; aligning CWPTP

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### **3. Staff Draft Countywide Park Trails Plan Amendment**

#### CONTINUED

recommendations with area sector and master plans and identifying inconsistencies and possible remedies; ensuring that the plan recommendations are consistent with policies of other land management agencies, adjoining counties, and municipalities; re-organizing and clarifying the plan; clarifying the decision making processes for which user groups are identified as suitable for certain trail types; and clarifying the role of park trails as recreational facilities versus transportation facilities.

Staff stated that the original CWPTP envisioned greenways and natural surface trails to connect the Potomac and Patuxent Rivers and hard surface trails to connect the Lower County trails to the Upper County trails within eight long distance, cross-county corridors known as the Patuxent River, Seneca Creek Greenway, Rachel Carson Greenway, C&O Canal, Rock Creek, Capital Crescent, East County, and Upcounty Corridors. In order to evaluate each segment of the proposed trail system, staff developed new decision-making criteria, including the analysis of possible impacts to environmentally sensitive resources; sustainability of the proposed segment; land acquisition opportunities in order to bypass constrained areas; cost to keep the proposed segment on parkland and mitigate impacts; availability of suitable alternatives to constrained areas; connectivity to regional or recreational park or other regional destination; suitable terrain for all trail users; and possible impacts to biodiversity areas, best natural areas, high-quality forests, or cultural or historic resources.

Following the evaluation of existing and proposed trails using those criteria, staff has proposed a new framework for a countywide trails network, referred to as loops and links, that identifies four large existing or nearly complete loops and recommends trail, bikeway, and sidewalk links between those loops and major parks and other regional destinations. The proposed loops and links network would be located in the Upper County, Mid-County, Eastern County, and Lower County, serving communities in regions throughout the County. Staff stated that when complete, 68 percent of residents will live within one mile of either a loop or a link and that 100 percent of residents will live within three miles of a loop or link. Staff added that any gaps in service can be addressed with non-countywide park trails, bikeways, or other providers. Using criteria such as population density, return on investment, connectivity to destination priorities, geographic parity, and parkland ownership, staff also developed a scoring system to determine implementation priorities for the top five proposed hard surface and top five proposed natural surface trail sites. Issues remaining to be addressed include developing a methodology for identifying, mapping, and sanctioning unsanctioned trails; operational budget impacts; assuring Master Plan consistency; trail easements on private land; and possible conflicts between recreational uses and interpretive uses of nature center trails.

Following extensive discussion with questions to staff, the Board recommended the inclusion of language that presumes hiker, biker, and equestrian use of natural surface trails, and that clearly states that bicycles are not inherently detrimental to trails.



**13. Capital Improvements Program Update: County Executive Recommendations for the M-NCPPC FY17-22 CIP**

*Staff Recommendation: Transmit Comments to County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: By consensus, approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

Parks Department staff briefed the Board and discussed the County Executive's recommendations for the FY17-22 proposed Capital Improvements Program (CIP). Staff stated that other than increases to Montgomery County Public Schools and the Revenue Authority, all other departments and agencies saw a decrease in CIP funding. The County Executive's recommendation for the Parks Department CIP is \$165,959,000, a \$12,272,000 decrease from the \$178,231,000 approved for the FY15-20 CIP, and \$28,419,000 less than the \$194,378,000 requested by the Planning Board. The County Executive recommended reductions to the requested CIP through cuts to requested increases to Government Obligation (GO) bonds, requested increases to Current Revenue, Program Open Space funds, and Park and Planning bonds. Staff noted that the proposed CIP does support the funding of the proposed South Germantown Cricket Fields and an approved \$2,500,000 in GO bonds as part of an Affordability Project Description Form. Projects not supported by the proposed CIP include the proposed Wall Park Garage in White Flint, proposed projects at Ovid Hazen Wells Recreational Park, urban park elements, and the proposed Little Bennett Trail Connector, and comprise \$14,300,000 of the recommended reductions. Level of Effort (LOE) projects were also affected by reductions, including a \$760,000 reduction in funds for maintenance and construction of ballfields, a \$300,000 reduction for the design and construction of hard surface trails, a \$1,100,000 reduction for hard surface trail renovation, and a \$600,000 reduction for the maintenance and construction of natural surface trails, totaling \$2,760,000 of the recommended reductions. Other projects affected by the proposed fund reductions include non-local Americans with Disabilities Act (ADA) compliance, minor new construction, non-local Planned Lifecycle Asset Replacement (PLAR), pollution prevention, restoration of historic structures, non-local roof replacements, and stream protection, and comprise \$10,730,000 of the recommended reductions.

Staff recommended utilizing new method projects, which involve smaller renovations rather than construction, wherever possible. Staff noted that completing projects utilizing new

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**13. Capital Improvements Program Update: County Executive Recommendations for the M-NCPPC FY17-22 CIP**

CONTINUED

methods could lead to approximately \$70,000 in savings. Other staff recommendations include cutting \$1,450,000 from non-local parkland acquisition; delaying some stand-alone projects; prioritizing GO bond projects, with urban parks, ballfields, trails, and access projects receiving top priority; prioritizing LOE projects, with urban parks, trails, and PLAR projects receiving top priority; making the proposed Wall Park garage and Ovid Hazen Wells projects top priority; and, if needed, advocating for the return of the Little Bennett Day Use Area project to FY17.

The next steps for the CIP include County Council Spending Affordability Guidelines public hearings scheduled for January 28 and February 2, meetings with Councilmembers scheduled for January and February, a Planning, Housing, and Economic Development (PHED) Committee meeting scheduled for February 8, public hearings scheduled for February 9 and 11, Council discussion of the PHED Committee's recommendations scheduled from February through March, and adoption of the CIP scheduled for May.

There followed extensive Board discussion with questions to staff.

## **8. Muncaster Mill Road Sidewalk**

**A. Mandatory Referral 2016012, Muncaster Mill Road Sidewalk** --- Construction of ~~450~~ 800 feet of six-foot-wide sidewalk along the north side of Muncaster Mill Road from Needwood Road to Colonel Zadok Magruder High School in Derwood. Upper Rock Creek Master Plan (2004).

*Staff Recommendation: Transmit Comments to Montgomery County Department of Transportation*

**\*B. Preliminary/Final Water Quality Plan MR2016012: Upper Rock Creek Special Protection Area** --- Construction of ~~450~~ 800 feet of six-foot-wide sidewalk along the north side of Muncaster Mill Road from Needwood Road to Colonel Zadok Magruder High School in Derwood. Upper Rock Creek Master Plan (2004).

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

### **BOARD ACTION**

**Motion:** A & B. WELLS-HARLEY/FANI-GONZÁLEZ

**Vote:**

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

**Nay:**

**Other:**

**Action:** A. Approved staff recommendation to transmit comments to Montgomery County Department of Transportation, as stated in the attached transmittal letter.

B. Approved staff recommendation for approval of the Preliminary/Final Water Quality Plan cited above, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral and the associated Preliminary/Final Water Quality Plan (WQP) request for the construction of a sidewalk. The proposed sidewalk will be located along the north side of Muncaster Mill Road in the Upper Rock Creek Master Plan area within the Rock Creek Special Protection Area (SPA). The applicant proposes to construct a six-foot wide, shared-use sidewalk that will extend approximately 800 feet from Needwood Road northeast to Colonel Zadok Magruder High School. Staff stated that the proposed sidewalk will connect the school to the partially-constructed Needwood Road bikepath.

The proposed project is located in the southern portion of the Rock Creek SPA. Staff stated that there are no buffers within the project area. Staff noted that the applicant has proposed no forest removal, has minimized tree impact to two trees, and has minimized imperviousness, and added that the proposed project meets all County WQP and Forest Conservation requirements.

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**8. Muncaster Mill Road Sidewalk**

CONTINUED

Mr. Dan Sheridan of Montgomery County Department of Transportation offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Sheridan.

**\*4. Piney Spring Farm (a.k.a. Piney Spring) Lot 1, Block A: Preliminary Plan Amendment 11993043B (In Response to a Forest Conservation Violation)** --- Request to remove 6,812 square feet of Category I Conservation Easement and mitigate offsite. Located on Piney Meetinghouse Road 1100 feet south of Front Field Lane in the Potomac Sub-region area.

*Staff Recommendation: Approval and Adoption of Resolution*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the proposed preliminary plan amendment cited above, subject to conditions, and adopted the attached Resolution.**

In keeping with the January 8 technical staff report, Planning Department staff offered a multi-media presentation and discussed a request to remove 6,812 square feet of Category I Conservation Easement on a property located on Piney Meetinghouse Road in the Potomac Sub-region area. The proposed preliminary plan amendment is to resolve a driveway encroachment and an area of conservation easement, which has been mowed between the house and the stormwater management parcel. Staff requested that the applicant mitigate these encroachments onsite, however the most likely area to be used for mitigation is owned by another party. Therefore, the applicant proposes to mitigate offsite by acquiring 13,624 square feet of mitigation credit at an approved Forest Conservation bank.

Ms. Barbara Sears, attorney representing the applicant, offered comments and concurred with the staff recommendation.

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

**5. Kensington Parkwood Elementary School Addition, Mandatory Referral No. 2016013 ---**  
Request to add approximately 25,246 square feet for a larger multi-purpose room and additional program spaces, expand the parking lot, plant new landscaping and add new permeable parking spaces in the existing bus loop. 9.88 acres zoned R-60, located at 4710 Saul Road in the 1989 Master Plan for the Communities of Kensington-Wheaton area.

*Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools*

**BOARD ACTION**

**Motion: DREYFUSS/FANI-GONZÁLEZ**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to Montgomery County Public Schools, as discussed during the meeting and as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed the request by Montgomery County Public Schools (MCPS) to add approximately 25,246 square feet to the existing Kensington Parkwood Elementary School to accommodate fourteen additional classrooms, a larger multi-purpose room, and additional parking. MCPS also proposes to expand the parking lot, add new landscaping and new permeable parking spaces in the existing bus loop. The school is located on a 9.88-acre property on Saul Road in the communities of the Kensington/Wheaton Master Plan area. Staff noted that the proposed request is exempt from the requirement for a forest conservation plan under Section 22A-5 (t) of the Forest Conservation Law, and is in conformance with the Master Plan recommendations. The original school was built in 1952 and has gone through several modifications. The last one was in 2006 and included renovation and expansion of the school building to 77,136 gross square feet. Seven portable classrooms are currently located along Saul Road to alleviate overcrowding.

Mr. Seth Adams of MCPS, accompanied by Mr. Matthew Williams, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Adams.

**\*6. Chevy Chase Lake: Blocks A,B,D, Sketch Plan No. 320160030 --- CRT 2.0: C 2.0, R 2.0, H 80; CRT 2.0: C 1.0, R 1.75, H 120; CRT 2.0: C 1.0, R 2.0, H 70; CRT 4.0, C 3.5, R 3.5, H 150; and CRN 1.0, C 0.25, R 1.0, H 40 Zones, 15.94 acres, Request for 1,526,289 square feet of total development, including 1,385,360 square feet of residential uses and 676,700 square feet of non-residential uses, located on Connecticut Avenue, between Chevy Chase Lake Drive and Manor Road, Chevy Chase Lake Sector Plan.**

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

## **BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

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

In keeping with the January 11 technical staff report, Planning Department staff offered a multi-media presentation and discussed the proposed sketch plan for the Chevy Chase Lake project located on a 15.94-acre property on Connecticut Avenue between Chevy Chase Lake Drive and Manor Road in the Chevy Chase Lake Sector Plan area. Staff noted that the request is to construct a total of 1,526,289 square feet of mixed-use development, including 1,385,360 square feet of residential uses and up to 676,700 square feet of non-residential uses. The current use is one and two-story commercial buildings and associated surface parking and a 13-story office building. The project is to be built in three phases and will include 12.5 percent Moderately Priced Dwelling Units (MPDUs), a sector-planned neighborhood square, construction of the northern portion of a new street, a separated bicycle facility on the east side of Connecticut Avenue, wayfinding, structural parking, and a vegetated roof. The property is located adjacent to a proposed Purple Line station, which allows the development to be eligible for level two transit as defined in the Zoning Ordinance. Staff recommended the full 15 points credit as suggested in the Commercial/Residential zone guidelines. The applicant must enter into a Traffic Mitigation Agreement with the Planning Department and the Montgomery County Department of Transportation to participate in the Bethesda Transportation Management District, when and if it is expanded to include Chevy Chase Lake, if applicable. Staff also discussed revisions to the data table.

Mr. Steve Robins, attorney representing the applicant, introduced Messrs. Michael Swartz and Joshua Sloan; members of the applicant's team, Mr. Jeffrey Kayce of Bozzuto Development, the applicant, and Ms. Miti Figueredo, Vice President of Planning and Entitlement for the Chevy Chase Land Company, briefly discussed the proposed request, and concurred with the staff recommendation.

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**\*6. Chevy Chase Lake: Blocks A, B, D, Sketch Plan No. 320160030**

CONTINUED

Mr. Jeffrey Kayce and Ms. Miti Figueredo also offered brief comments.

The following speakers offered testimony: Ms. Aletta Schaap of Hamlet Place and representing the Hamlet Place Owners Community Association; and Mr. Maury Mechanick of Montgomery Avenue and representing the Chevy Chase Homeowners Association.

There followed a brief Board discussion with questions to staff and Mr. Robins.



**\*7. Downtown Silver Spring, Limited Site Plan No. 81999002L** --- CBD-2 Zone, 0.21 acres, Request to modify the stairs, including the public art work for the stairs; the plan does not alter the public use space on site; located in Downtown Silver Spring, on Ellsworth Avenue, approximately 200 feet east of Georgia Avenue, Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval of the Limited Amendment and Adoption of Resolution*

**BOARD ACTION**

**Motion:**                    **WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

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

Planning Department staff offered a multi-media presentation and discussed the request by Peterson Retail Management LLC, the applicant, to modify the existing exterior stairs, including the public art component of the Downtown Silver Spring public space area located on Ellsworth Avenue. The proposed request does not alter any other features of the public open space on the site. The Art Review Panel reviewed the proposed changes to the stairs and the public art and recommended approval of the removal of the mosaic tile from the stairs, as the existing tiling has started to deteriorate. A new public art will be commissioned from artist David Carlson, who will print his work on a special outdoor rated translucent acrylic panel with a minimum 35-year life expectancy that will be located between tempered panels and lit internally with LED's from within the stairs handrail.

Mr. Daniel Figueroa, Regional Manager for Peterson Retail Management LLC, accompanied by Mr. Jack Devine of Artists Circle Fine Art, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Figueroa.

**9. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – 2015-2 Administrative Amendments – Eight Water/Sewer Service Category Change Requests**

*Staff Recommendation: Transmit Comments to County Executive*

**BOARD ACTION**

**Motion: DREYFUSS/FANI-GONZÁLEZ**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments and recommendations to the County Executive, as stated in the attached transmittal letter.**

In keeping with the January 13 technical staff report, Planning Department staff offered a multi-media presentation and discussed eight proposed water/sewer service category change requests for the following properties: Armstrong Tires; Tillan & Stark; S& W Enterprise; Woltering; Moldanado; Windham Life Sciences Investors; Sharma; and Clancy. Staff noted that the Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change request. The Planning Board's comments and recommendations will be transmitted to the County Executive for final action. After the County Executive's public hearing scheduled for January 25, final action will be taken sometime in February.

Mr. Alan Soukup of the Department of Environmental Protection offered brief comments. There followed a brief Board discussion with questions to staff and Mr. Soukup.

**10. Neve Property ---** Subdivision Regulation Waiver SRW201502 A request for a waiver under Section 50-38 to be relieved of the requirement to obtain Planning Board approval for a preliminary plan of subdivision under Section 50-34(a) of the Subdivision Regulations, located at 3138 Fairland Road, Silver Spring, 0.47 acres, R-90 Zone, Fairland Master Plan.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

In keeping with the January 8 technical staff report, Planning Department staff offered a multi-media presentation and discussed a subdivision regulation waiver request from an applicant to obtain Planning Board approval for a preliminary plan of subdivision under Section 50-34(a) of the Subdivision Regulations for a 0.47-acre property located on Fairland Road in the Fairland Master Plan area. Staff noted that this request is the minimum required to provide relief to the applicant. The Board of Appeals granted a 21.5-foot variance from the required minimum lot width at the building line under Section 59-4 of the Subdivision Regulations. There is no additional public benefit that would be obtained by the applicant through the submission and review of a preliminary plan, and the applicant will have to dedicate 40 feet of right-of-way from the centerline of Fairland Road to meet the Master Plan requirement. The applicant will obtain the necessary access permit from Montgomery County Department of Transportation to ensure a safe driveway location onto Fairland Road. This plan will have no public implications with respect to traffic, schools, or fire and rescue access. The property is in the Paint Branch High School cluster which does require a school facility payment. Aside from the dedication of the right-of-way, no road frontage improvements are necessary or required from the applicant.

Mr. Jody Kline, attorney representing the applicant, offered brief comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Kline.

**~~11. Bethesda Downtown Sector Plan Worksession #7~~ REMOVED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**      **This Item was removed from the Planning Board agenda.**