



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

**APPROVED  
MINUTES**

Tuesday, March 13 and Thursday, March 15, 2012

The Montgomery County Planning Board met in Closed Session on Tuesday, March 13, 2012, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:15 a.m.

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

Item 1 is reported on the attached agenda.

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 9:00 a.m. in the Chairman's office on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. 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 1 or more specific employees.

In Closed Session, the Board discussed Planning Department personnel issues.

The Closed Session was adjourned at 10:15 a.m.

On Thursday, March 15, 2012, The Montgomery County Planning Board met in regular session at 9:11 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:29 p.m.

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

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

The Planning Board recessed at 1:25 p.m. for lunch and to take up Items 5, 6, and 11 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 1:45 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion. Commissioner Presley participated in the Closed Session by phone. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §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 one or more specific employees; §10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §10-508(a)(14), to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or part of the Closed Session were Associate General Counsel Sean Dixon of the Legal Department; Director Mary Bradford, Kate Stookey, and David Tobin of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In closed Session, the Board discussed a Planning Department personnel issue, received a briefing and provided guidance to staff with regard to negotiations related to a proposal for a public-private partnership, and approved Closed Session minutes.

The Closed Session was adjourned at 4:20 p.m.

The Board reconvened in open session in the auditorium at 4:47 p.m.

Items 9 and 7, taken up in that order, are reported on the attached agenda. Item 10 was postponed to a later date.

There being no further business, the meeting was adjourned at 5:29 p.m. The next regular meeting of the Planning Board will be held Thursday, March 22, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Tuesday, March 13, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 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 State citation and open session report in narrative minutes.

**Montgomery County Planning Board Meeting**  
**Thursday, March 15, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Viers Mill Elementary School Modernization Forest Conservation Plan No. MR2011209 - MCPB No. 11-71

**BOARD ACTION**

**Motion: WELLS-HARLEY/ANDERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

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

**\*B. Record Plats**

**1. Subdivision Plat No. 220081190-220081200, Burton Woods;** RE-2 zone, 10 lots; located at the terminus of Sycamore Hollow Lane, approximately 1,500 feet north of Davis Mill Road; Agricultural & Rural Open Space Master Plan.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220120190, Washington-Rockville Industrial Park;** TMX-2 zone, 3 lots, 1 outlot; located on the north side of Fishers Lane, approximately 1,100 feet east of Twinbrook Parkway; Twinbrook Sector Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

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

**Vote:**

**Yea:**                    **4-0**

**Nay:**

**Other:**                **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.**

**\*D. Approval of Minutes**

    - Minutes of February 9, 2012

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **Approved Planning Board Meeting Minutes of February 9, 2012, as submitted.**

**2.        Briefing: Site Selection for Bethesda Chevy-Chase Middle School #2**

Montgomery County Public Schools staff will provide an overview of the recently completed work of the Site Selection Advisory Committee

*Staff Recommendation: Discussion only*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **Received briefing followed by Board discussion.**

Messrs. Bruce Crispell and Michael Shpur, Ms. Mary Pat Wilson and Ms. Janice Turpin from Montgomery County Public Schools (MCPS) offered a detailed multi-media presentation of the Site Selection Advisory Committee (SSAC) proposed site selection process for the Bethesda-Chevy Chase Middle School replacement, and answered questions from Board members followed by extensive discussion.

At the Board's request, Parks Department staff and Planning Department staff offered comments.

**3.        Staff Draft 2012 Park, Recreation, and Open Space (PROS) Plan Update - POSTPONED**

Review Staff Draft PROS Plan and approve to send to State as Draft, in conformance with Maryland State Guidelines.

*Staff Recommendation: Approve for Public Hearing and Set Public Hearing Date*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **This item was postponed.**

**4.     Preliminary Plan No. 120100270, 7206 Meadow Lane**

Deferred from 2/2/12 to address issues related to conservation easements for purposes of steep slope protection, R-60 zone, 1.33 acres; located on Meadow Lane in the northwest quadrant of the intersection with Oak Lane; Bethesda Chevy-Chase

*Staff Recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:**                **DREYFUSS/ANDERSON**

**Vote:**

**Yea:**                **4-0**

**Nay:**

**Other:**                **PRESLEY ABSENT**

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

In keeping with the March 2 technical staff report, Planning Department staff noted that this item was deferred from a previous Planning Board hearing on February 2; staff was instructed by the Board to work with the applicant to develop appropriate language for a conservation easement document, and associated forest management plan, that would protect the subject property's steep slopes while affording the applicant and any future property owners some measure of independence with respect to property maintenance. Staff added that the 1.33-acre property is located on Meadow Lane in the northwest quadrant of the intersection with Oak Lane in Bethesda-Chevy Chase. The applicant proposes to resubdivide the existing lot into two lots for two one-family detached dwellings and one outlot. Although both lots will have frontage on Meadow Lane and Oak Lane, no vehicular access is proposed from those streets. The property is located within the lower Rock Creek watershed, there are no streams or floodplains on the site and the property contains 0.31 acres of forest.

Mr. Robert Brewer Jr., attorney representing the applicant, discussed the applicant's proposed modifications to the forest conservation plan conditions of approval distributed at the meeting, and concurred with the staff recommendation.

The following speakers offered testimony: Ms. Kathy Strom of Willow Lane and representing the Town of Chevy Chase; and Mr. Albert Lang of Willow Lane.

At the Board's request, Planning Department staff discussed the staff's proposed revisions to the applicant's modifications to the conditions of approval, including a proposed easement amendment, and planting and removal of native and non-invasive species.

Staff also discussed the Town of Chevy Chase comment regarding the need for a revised forest conservation plan if the applicant plans to remove trees with replacement and supplemental planting and no grading.

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

## **8. Brookeville Preserve**

**A. Preliminary Plan No. 120110070: Brookeville Preserve;** 16 dwelling units consisting of 5 one-family detached homes and 11 townhomes; located in the southeast quadrant of the intersection of Georgia Avenue (MD 97) and Owens Road; 12.77 acres; RE-2/TDR-4 Zone, Olney Master Plan  
*Staff Recommendation: Approval with conditions*

**B. Site Plan No. 820120030 including a Forest Conservation Plan: Brookeville Preserve;** 16 dwelling units consisting of 5 one-family detached homes and 11 townhomes; located in the southeast quadrant of the intersection of Georgia Avenue (MD 97) and Owens Road; 12.77 acres; RE-2/TDR-4 Zone, Olney Master Plan  
*Staff Recommendation: Approval with conditions*

## **BOARD ACTION**

**Motion:**                   **A. DREYFUSS/ANDERSON**  
                                  **B. DREYFUSS/ANDERSON**

**Vote:**

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

**Nay:**

**Other:**               **PRESLEY 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 revised conditions, as stated in the attached Board Resolution.**

In keeping with the March 1 technical staff report, Planning Department staff discussed the preliminary and site plans for a 12.77-acre property located at the southeast quadrant of the intersection of Georgia Avenue (MD97) and Owens Road in Olney. Staff noted that the request is to create 16 dwelling units consisting of five one-family detached homes, and 11 townhomes. Staff noted that the plan utilizes the optional method of development using Transferable Development Rights (TDRs), and the applicant must purchase 10 TDRs for this project. Staff supports granting a waiver of the minimum two-thirds requirement for TDRs based on environmental constraints on the property. Staff also noted that the plan proposes the construction of a new driveway entirely within the property to serve the two



lots located on the eastern side, and includes as an option, shared access on the existing driveway on the neighboring property, should the affected property owners come to a mutual agreement prior to record plat. Staff also discussed proposed road improvements, traffic, and the proposed final forest conservation plan, including an approved variance based on the proposed site design and layout of the subject property. Staff noted that there are two streams that run through the property and due to the density of the proposed plan a stormwater management plan is required under the non-conformance requirements.

**8. Brookeville Preserve**

Mr. Bob Harris, attorney representing the applicant, introduced Messrs. Chris Garland, Chris Kabatt, Carl Freeman, and Kevin Foster, members of the applicant's team, briefly discussed the proposed request, and concurred with the staff recommendation.

Mr. Chris Kabatt offered comments regarding the low impact of traffic generated by the proposed development.

Mr. John Webster of Abbey Manor Circle and representing the Manor Oaks Homeowners Association offered testimony.

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

**11. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 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 State citation and open session report in narrative minutes.

**5. Closed Session**

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**6. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(14) to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process (TOPIC: Parkland Lease)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**7. Roundtable Discussion**

- A. Update on PHED Committee review of the Parks FY13-18 CIP—**POSTPONED**
- B. Parks Director's Report
- C. Operating Funds Seven Month Financial Report Including Projections to June 30, 2012
- D. Enterprise Funds Seven Month Financial Report Including Projections to June 30, 2012.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefings.**

**A. Update on PHED Committee review of the Parks FY13-18 CIP**—This item was postponed.

**B. Parks Director's Report**—Director of Parks Mary Bradford provided an overview of various parks-related activities and future events, as stated in the distributed Director's Report. Among other items, Ms. Bradford highlighted the large turnout for the Green Matters Symposium and the Black History Month events, and the upcoming St. Patrick's Day Skate at the Wheaton and Cabin John ice rinks, the Brides on the Bus tour, the Meadowside Nature Center 40th anniversary celebration, and the large annual celebration of the thirteenth day of the Persian New Year at Black Hill Regional Park. Ms. Bradford also reported on several staff activities and administrative items, and she noted that the Parks Department portion of the revenues from the County bag tax is already benefiting the Parks budget. Concluding, Ms. Bradford reported that the Parks Department has recently won several prestigious awards, including the "Planning and Design with Environmental Protection in Mind Award" by the Park and Recreation Conservation Branch of the Maryland Recreation and Parks Association (MRPA) for the stream restoration project at Maydale Conservation Park. The Department also won four MRPA Agency Showcase Awards: for the best program logo (Green Thumbs-up Logo), best website (Connect with Parks site), best social media site (Brookside Gardens' YouTube page), and, jointly with the Recreation Department, for the joint 2011 Summer Program Guide.

**C. Operating Funds Seven Month Financial Report Including Projections to June 30, 2012**—Secretary-Treasurer Joe Zimmerman briefed the Board on the quarterly financial report for the FY 2012 operating budgets for the Administration Fund and the Park Fund, with projections to June 30, 2012, in accordance with his written report to the Board. In addition, Mr. Zimmerman was happy to report that Fitch Ratings has confirmed the Commission's AAA rating for the bond issue planned for next week. He noted that the County also has an AAA rating.

**D. Enterprise Funds Seven Month Financial Report Including Projections to June 30, 2012**— Secretary-Treasurer Joe Zimmerman briefed the Board on the quarterly financial report for the FY 2012 Enterprise budget, with projections to June 30, 2012, in accordance with his written report to the Board.

**9. Limited Site Plan Amendment 82008021C, Washington Adventist Hospital**

Applicant requests an amendment to the site plan to increase density from 792,951 to 803,428 square feet total; modify landscaping, lighting and grading; widen North Parking Garage entrances; increase North Parking Garage height by 35 feet to accommodate three additional levels and eliminate some below grade parking, without altering the number of parking spaces or the garage footprint; provide additional building connections; implement minor architectural changes; and make minor utility modifications; Zoned I-1 and I-3; approximately 48.86 acres located on the West Side of Plum Orchard Drive, 400 feet southwest of Broadbirch Drive within the Fairland Master Plan area (within pending White Oak Science Gateway Sector Plan area).

*Staff Recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: DREYFUSS/ANDERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the staff recommendation to approve, subject to conditions, revised to allow up to the maximum of 803,570 square feet permitted under the special exception, as detailed in the attached Board Resolution.**

Planning Department staff presented a proposed amendment to the approved site plan for Washington Adventist Hospital to increase density from 792,951 to 803,428 square feet; modify landscaping, lighting and grading; modify the north parking garage, without altering the number of spaces or garage footprint, by widening the entrances and increasing the height by 35 feet to accommodate three additional levels and eliminate some below-grade parking; provide additional building connections; and make other associated modifications, as detailed in the staff report.

Patrick O’Neil, attorney representing the applicant, introduced the applicant team, and concurred in the staff recommendation. Mr. Geoff Morgan, of Washington Adventist Hospital, updated the Board on the status of the project to replace the existing hospital, noting particularly delays related to the State review process for the certificate of need.

There followed some discussion of the proposed modifications and the requested density. The Board noted that the special exception was approved for 803,570 square feet and agreed to allow density up to that maximum.

**10. Budget Discussion**

County Executive Recommendation for FY13 budget

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**