



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 10, 2013, at 9:15 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:04 p.m.

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

Items 1 through 4 are reported on the attached agenda.

The Board recessed at 10:50 a.m. to take a tour of the United Therapeutics Building on Spring Street in Silver Spring and to have lunch.

The Board reconvened in the auditorium at 1:41 pm.

Items 6 through 10 are reported on the attached agenda. Items 7 and 11 were postponed.

The Board recessed for dinner at 4:35 p.m. and reconvened in the auditorium at 6:15 p.m., to take up Item 12, Chevy Chase Lake Sector Plan - Worksession 5, Review of Public Hearing Draft, which is reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:04 p.m. The next regular meeting of the Planning Board will be held Thursday, January 17, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, January 10, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. 7001 Arlington Road Preliminary Plan 120120220 – MCPB No. 12-107
2. 7001 Arlington Road Site Plan 820120140 – MCPB No. 12-108

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted the Resolutions cited above, as submitted.**

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items submitted for approval.

***D. Approval of Minutes**

Minutes of November 15, 2012, November 28, 2012 and November 29, 2012

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes cited above, as submitted.

2. Worksession on Zoning Ordinance Rewrite

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Continued discussion on Administration and Procedures and General Development Regulations, and provided guidance to staff in a worksession in the context of the draft Zoning Ordinance Rewrite.

3. Review and Comment on Historic Preservation Easement/Covenant

Pursuant to section 24A-13 of the County Code to review and comment on applications to donate an easement and a covenant to the County (11420 Old Georgetown Road, North Bethesda, MD; Master Plan Historic Site #30/6, The Riley House)

Staff recommendation: Transmit comments to the Historic Preservation Commission
Board action needed by Jan 17, pursuant to County Code

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the Historic Preservation Commission following a brief staff presentation and Board discussion.

Historic Preservation Division staff discussed the requests to donate a preservation easement and a covenant to the County for the Riley House, a historic site located on Old Georgetown Road in Bethesda. Staff noted that based on information provided and staff analysis, the proposed easement and covenant are consistent with the criteria established for the Historic Preservation Easement Program of the County Code and furthers the County’s historic preservation goals.

There followed a brief Board discussion with questions to staff.

4. White Flint Sector Plan Implementation Advisory Committee

Staff Recommendation: Reappointment of the White Flint Sector Plan Implementation Advisory Committee

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief staff presentation, approved staff recommendation to reappoint members of the White Flint Sector Plan Implementation Advisory Committee.

6. Fairland Recreational Park

Authorization to acquire 67,518 square feet (1.55 acres), more or less, improved, from Laura L. Dustin and Shannon Sullivan at 3736 Greencastle Road, Burtonsville, MD 20866

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by Parks Department staff, approved staff recommendation to acquire the proposed parkland cited above.

7. Finance Department Administrative Items - POSTPONED

1. Operating Funds Four Month Financial Report Including Projections to June 30, 2013.
2. Enterprise Funds Four Month Financial Report Including Projections to June 30, 2013.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

13. Budget Transfer Request from Department of Parks

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of three FY13 budget transfer requests listed below.

Parks Department staff briefly discussed the following FY13 budget transfer requests and answered questions from the Board:

- i) Transfer \$80,000 from Facilities Management Other Services & Charges to Supplies and Materials;
- ii) Transfer \$150,000 from Property Management Supplies & Materials to Other Services and Charges;
- iii) Transfer \$63,000 from Management Services Personnel to Other Services and Charges.

8. Rock Creek Forest Elementary School

***A. Forest Conservation Plan No. 2013014, Rock Creek Forest Elementary School, R-60, 7.90** acres, proposal for the modernization of Rock Creek Forest Elementary School, located on the southwest side of Grubb Road between Colston Drive and Blaine Drive, Bethesda Chevy-Chase
Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Mandatory Referral Review MR2013014, Rock Creek Forest Elementary School, R-60, 7.90 acres, proposal for the modernization of Rock Creek Forest Elementary School, located on the southwest side of Grubb Road between Colston Drive and Blaine Drive, Bethesda Chevy-Chase
Staff Recommendation: Approval to transmit comments to MCPS

BOARD ACTION

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

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

Nay:
Other:

Action: **A. Approved staff recommendation for approval of the Forest Conservation Plan, subject to conditions, and adopted the submitted Resolution.**
 B. Approved staff recommendation to transmit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

In keeping with the December 21 technical staff report, Planning Department staff discussed the Mandatory Referral request for the modernization of Rock Creek Forest Elementary School and the Forest Conservation Plan associated with this request. Staff noted that the school is located on approximately 7.9 acres on Grubbs Road in Chevy Chase. Montgomery County Public Schools (MCPS) has plans to replace the existing 54,522 square feet one-story building, with a capacity of 310 students, but with 578 students currently enrolled, with a 98,000 square-foot building which will be designed for a core capacity of 740 students. Staff has reviewed the application and discussed recommendations regarding sidewalks and placement of the median refuge area for the Grubb Road driveway. Staff also discussed the forest conservation plan and noted that 0.29 acres of forest will be removed and 0.59 acres of forest will be retained. A variance request for the removal of two specimen trees and the potential removal of up to nine additional variance trees has been requested. The proposed project will not impact any streams, wetlands, or environmental buffers and is in compliance with the Environmental Guidelines.

Ms. Judy Koenig of Chevy Chase offered testimony.
There followed a brief Board discussion with questions to staff.

10. Limited Amendment, Preliminary Plan 11990016A (In Response to Violations) Kimble Estates Lots 14 & 15

RE-2 zone; 4.00 acres; two existing lots each containing a single-family residential dwelling; request to remove a portion of an existing Category I conservation easement on each lot; located at 9009 & 9007 Kimblehunt Drive, 950 feet southwest of the intersection of Woodfield Road and Kimblehunt Drive; Gaithersburg; Damascus Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

Planning Department staff discussed the preliminary plan amendment request in response to a forest conservation violation. Staff noted that the applicant is requesting to remove a portion of the existing Category I conservation easement, approximately 15,070 square feet, on a property located on Kimblehunt Drive in Gaithersburg, and to purchase 2 to 1 mitigation credits at an off-site forest conservation bank within the same watershed. Staff added that the proposal will leave a forest stand that is 50 feet wide, thereby meeting the minimum standard required by the Forest Conservation Law and therefore supports the request, subject to conditions listed in the staff report and the Resolution.

Mr. Joshua Maisel, Land Planner representing the applicant, introduced Mr. Rick Monarch and Ms. Kelly Shiflett, members of the applicant’s team and concurred with the staff recommendation.

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

9. Council Bill 35-12 – Tree Canopy Conservation

A bill to establish procedures, standards, and requirements to minimize the loss and disturbance of tree canopy as a result of development

*Staff Recommendation: Approved to Transmit Comments to County Council
(Action required for County Council public hearing of 1/17/13)*

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

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

Planning and Parks Departments staff discussed proposed Bill 35-12, which will establish procedures, standards, and requirements to minimize the loss and disturbance of tree canopy in Montgomery County as a result of development. Staff noted that the Forest Conservation Law only applies to properties 40 acres or more. The proposed bill will capture the properties that are not subject to the Forest Conservation Law, which requires a sediment control permit for 75,000 square feet of disturbance. Staff noted that the proposed bill should require all revenues generated from the mitigation of tree canopy loss associated with projects on parkland owned and managed by the Commission, be returned to the Department of Parks on an annual basis for the purpose of funding the department's own environmental restoration and habitat improvement efforts in both local and countywide parks. Staff also proposes the following measures be included in the Bill: 1) Replanting on site; 2) Credit for tree protection and critical root zone; 3) Exemption for Parks projects; 4) Requirements for stormwater management; 5) Requirement for American Disability Act (ADA); 5) Grandfathering for already approved plans; and 6) Calculation of mitigation rate and addition of a fee for the first 25,000 square feet of forest disturbance.

The following speakers offered testimony: Ms. Ginny Barnes representing Conservation Montgomery; Mr. Bob Kaufman representing Maryland National Capital Building Industry Association (MNCBIA); and Mr. Clark Wagner of Firehouse Lane.

Staff noted that comments and recommendations from the Planning Board will be forwarded to the County Council before the Council's public hearing scheduled for next Thursday, January 17.

There followed a brief Board discussion with questions to staff and the speakers.

11. Streamlining County Processes - POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

12. Worksession No. 4: Chevy Chase Lake Sector Plan

Review of Public Hearing Draft

Staff Recommendation: Discuss and provide direction to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Reviewed and provided guidance to staff. Further, by consensus, approved the incorporation of changes for final review and approval of the Planning Board Draft on January 17, 2013.**

In the fourth worksession on the Chevy Chase Lake Sector Plan, Planning Department staff presented the remaining issues to be discussed, as detailed in the staff report.