



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met on Monday, January 11, 2010, at 7:00 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 11:47 p.m.

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

Items 1 and 4 are reported on the attached agenda. Items 4 and 3 were taken up out of order prior to Item 1. Due to the lateness of the hour, Item 2 was postponed to February 1, 2010.

There being no further business, the meeting was adjourned at 11:47 p.m. The next regular meeting of the Planning Board will be held Thursday, January 14, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Monday, January 11, 2009, 7:00 P.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. [Enforcement Hearing - Forest Conservation Plan 119960710, Fairhill, 21611 Ripplemead Drive Gaithersburg, MD](#)

Violation of forest conservation plan and conservation easements

BOARD ACTION

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

Vote:

Yea: **A. 3-1**
 B. 3-1

Nay: **A. PRESLEY**
 B. PRESLEY

Other:

Action: **A. Concurred in the staff finding that a Category I Forest Conservation Easement exists on the property.**

B. Concurred in the staff finding of the following violations:

1. Grass cutting in Category I Forest Conservation Easement.

2. Asphalt and stone installed in a Category I Forest Conservation

Easement.

3. Horse grazing in a Category I Forest Conservation Easement and natural regeneration area.

Further, by consensus, recessed the hearing to January 25, at which time the Board will consider possible administrative civil penalties and/or appropriate corrective actions.

Legal Counsel to the Board presented an overview of the procedure to be followed in the enforcement hearing and Chairman Hanson called the Hearing to order.

Following opening statements by the two participating attorneys and swearing-in of witnesses, Mr. Jared McCarthy, Legal Counsel representing the Planning Department, the plaintiff, presented the allegations of violations and supporting evidence. Violation 5 on the December 4, 2009, Notice of Hearing, has been withdrawn. Mr. Joshua Kaye, staff of the Development Review Division, and Mr. Mark Pfefferle, staff of the Environmental Planning Division, were called as witnesses and presented testimony for the plaintiff.

Mr. Norman Knopf, attorney representing the respondent, presented the defense, submitting evidence into the record. Mr. Marcus McClure, the respondent, and Mr. Vincent Berg, of Forestry and Conservation, Inc., presented defense testimony.

2. [Enforcement Hearing - Forest Conservation Plan 119960710, Fairhill, 21627 Ripplemead Drive Gaithersburg, MD](#)

Violation of forest conservation plan and conservation easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Due to the lateness of the hour, this item was postponed to February 1, 2010.

3. [Enforcement Hearing - Forest Conservation Plan 119960710, Fairhill, 21533 Ripplemead Drive Gaithersburg, MD](#)

Violation of forest conservation plan and conservation easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Granted a continuance to February 1, 2010, at the request of the respondent's attorney.

Legal Counsel to the Board cited the request for a continuance of this enforcement hearing, submitted in a letter dated January 10, 2010, by the respondent's attorney.

Mr. John Noble, the respondent's attorney, elaborated on the request.

4. Roundtable

Discuss outstanding items from PHED Committee worksessions on the White Flint Sector Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, concurred in the staff recommendations for presentation to the County Council's Planning, Housing, and Economic Development (PHED) Committee.

Planning Department staff presented several issues raised during previous worksessions of the County Council's Planning, Housing, and Economic Development (PHED) Committee on the White Flint Sector Plan, with staff analysis and recommendations, as detailed in the staff report. Issues included co-location of public facilities, zoning for the State Highway Administration (SHA) property that the Board had recommended for a fire station, CR zoning south of Edson Lane, and the number of CR zoning categories needed to memorialize the intent of the density and height maps.