



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

302-495-4617

**APPROVED**  
**MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, January 15, 2009, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:50 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre and Jean Cryor. Commissioner Amy Presley joined the meeting shortly after it was called to order.

Items 1 through 7 and 16 are reported on the attached agenda. Item 16, Purple Line Draft Environmental Impact Statement, was recessed at the end of the morning session and continued in the afternoon.

The Board recessed at 12:45 p.m. for lunch and to take up Item 11 in Closed Session. Closed Session Item 17 was taken up following the afternoon session and Item 15 was postponed.

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 12:50 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Commissioner Hanson, with Commissioners Hanson, Alfandre, Cryor, Robinson, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(14), 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 Debra Daniel, David Lieb, Derrick Rogers, Carol Rubin, and Christina Sorrento of the Legal Department; Director Rollin Stanley, Cathy Conlon, Robert Kronenberg, Rose Krasnow, and Sharon Suarez of the Planning Department; Dominic Quattrocchi of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff on calculations related to moderately priced dwelling units (MPDUs) and transferrable development rights (TDRs).

The Closed Session was adjourned at 1:40 p.m. and the Board reconvened in open session in the third floor conference room.

The Planning Board reconvened in the auditorium at 1:45 p.m. with all five Commissioners present.

The Board continued the morning discussion of Item 16, Purple Line Draft Environmental Impact Statement.

Items 8 through 10 and Items 12 and 13 are reported on the attached agenda.

Item 17, a Closed Session Item, was moved from the morning session to the end of the afternoon 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 Montgomery County Planning Board convened in Closed Session at 5:25 p.m. in the third floor conference room, on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Alfandre, Cryor, 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 Debra Daniel, Carol Rubin, Christina Sorrento, and David Lieb of the Legal Department; Director Rollin Stanley of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff on two administrative appeals.

The Closed Session was adjourned at 6:15 p.m. and the Board reconvened in open session in the third floor conference room.

The Board recessed for dinner and reconvened in the auditorium at 7:30 p.m. to take up Item 14, Westmoreland Hills Local Park Ancillary Building Proposed Demolition. Chairman Hanson and Commissioner Alfandre were necessarily absent.

There being no further business, the meeting was adjourned at 9:50 p.m. The next regular meeting of the Planning Board will be held Thursday, January 22, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, January 15, 2009**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Opinions/Resolutions submitted.**

**2. Record Plats**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**3. Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**4. Approval of Minutes**

- Minutes, MCPB Thursday, December 4, 2008

**BOARD ACTION**

**Motion:** ROBINSON/ALFANDRE

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved the minutes of December 4, 2008, as presented.

**5. Historic Preservation: Resolution of Adoption of Amendment to the Master Plan for Historic Preservation**

- 19/40 B&O Culverts and Railroad Bed (c1865-1873), Vicinity of Harvest Glen Way, Germantown
- 18/44 Little Seneca Viaduct (c1865-73; 1896), Vicinity of Wisteria Drive Germantown
- 34/14 Burton Log House (c1800; c1850), 15107 Birmingham Drive, Burtonsville 35/160 Susan B. Chase House (1903-4), 4717 Drummond Avenue, Chevy Chase
- 35/161 Seymour Krieger House (1958), 6739 Brigadoon Drive, Bethesda

*Staff recommendation: Approve Resolution of Adoption and transmit to the Full Commission*

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the Resolution of Adoption for transmittal to the Full Commission following a brief presentation by Historic Preservation staff.**

**6. [Extension Request: Project Plan Review No. 920070060, Bonifant Plaza](#)**

CBD-1 zone; .59157 acres; 72 multi-family dwelling units, including 9 MPDUs; located on Bonifant Street, approximately 135 feet east of Georgia Avenue; Silver Spring

*Staff recommendation: Approval of the Extension period*

**BOARD ACTION**

**Motion: PRESLEY/ROBINSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved an extension of the review period to March 19, 2009.**

Following a brief presentation by Development Review staff, attorney Patricia Harris, representing the applicant, elaborated on the need for an extension of the review period to allow resolution of an alley issue. She requested an extension to March 19, 2009, to allow the project plan and preliminary plan to be presented to the Board together.

Staff accepted the proposed revision to the extension period.

7. **Board of Appeals No. S-2740: Children’s Inn at NIH, Inc**

Special exception to permit a Charitable or Philanthropic Institution, PD-75 Zone; located at 8300 Woodmont Avenue, Bethesda

*Staff Recommendation: Approval to transmit comments*

**BOARD ACTION**

**Motion: PRESLEY/CRYOR**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation, modified to delete proposed conditions 2, 3, and 5, as stated in the attached Letter of Transmittal.**

Development Review staff presented the special exception petition to use an existing dwelling unit to provide services to chronically ill children and their families, as detailed in the staff report.

Mr. Robert Brewer, attorney representing the applicant, introduced Ms. Cathy Russell of NIH and Mr. Kevin Foster, the engineer. Mr. Brewer raised concerns about conditions 2 and 3, relating to dedication and sidewalk construction, expressing the view that those issues are not appropriately addressed in this context or with this applicant. He also requested deletion of condition 5, which requires replacing the board-on-board fence with wrought iron, stating that the fence is needed for privacy.

Ms. Debra Borden, attorney representing the property owner, provided information about a pending minor subdivision and site plan for development of the adjoining property and its relationship to the subject property.

Mr. Martin Klauber, the Montgomery County People’s Counsel, offered comments.

There followed considerable discussion of the appropriate context in which to address dedication and sidewalk issues, and the Board agreed they should be addressed at subdivision and site plan for the overall property. In addition, the Board discussed the relative merits of replacing the board-on-board fence and concurred with the applicant’s view that the fence should not be replaced.

**16. Board Discussion: Purple Line – Draft Environmental Impact Statement/  
Alternative Analysis**

**(Deliberation continued from Public Hearing held on January 8th. No further public testimony will be taken)**

*Staff recommendation: Approve recommendation of Medium Investment Light Rail Alternative as the Locally Preferred Alternative for the Purple Line*

**BOARD ACTION**

**Motion:**                    **ROBINSON/ALFANDRE**

**Vote:**

**Yea:**                    **4-1**

**Nay:**                    **PRESLEY**

**Other:**

**Action:**            **Approved the staff recommendation for approval of the Medium Investment Light Rail Alternative as the Locally Preferred Alternative for the Purple Line, excluding the Dale Drive Station, and including modifications to proposed staff recommendations 5, 11, 12, and 13, as identified during discussion.**

In a continuation of deliberations following the public hearing January 8, Transportation Planning staff presented additional information related to a comparison of capacity, emissions, and operating costs for various modes, an analysis of the impact of the base realignment and closures (BRAC), and location of stations, including recommendations for Dale Drive and Fenton Street.

Mr. Mike Madden and Mr. Mike Flood, Maryland Transit Authority; and Mr. Gary Arenrich, Montgomery County Department of Transportation (DOT), participated in the discussion.

There followed extensive discussion of the preferred mode, the alignment, stations along Wayne Avenue, and the impact on the Capital Crescent Trail. The Board particularly supported the Wayne Avenue surface alignment in Silver Spring, with a station at Fenton Street, and ensuring that the Trail goes through the tunnel under Wisconsin Avenue.

**11.    CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (MPDU/TDR calculations)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**15. CLOSED SESSION (POSTPONED)**

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose (Fairland Recreational Park)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** This item was postponed.

**12. [National Naval Medical Center Master Plan and Transportation Management Plan](#)**

Campus Master Plan amendment for the National Naval Medical Center incorporating relocation of major functions of the Walter Reed Army Medical Center to the National Naval Medical Center in Bethesda, Maryland. The NNMC Campus Master Plan reflects the Base Realignment and Closure (BRAC) federal Record of Decision of May 2008

*Staff recommendation: Transmit comments to National Capital Planning Commission*

**BOARD ACTION**

**Motion:** ROBINSON/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to transmit comments to National Capital Planning Commission, including comments made during the meeting.



As discussed in the January 5 technical staff report, Transportation Planning Division staff offered a detailed multi-media presentation regarding the proposed Campus Master Plan Amendment for the National Naval Medical Center (NNMC) incorporating relocation of major functions of the Walter Reed Army Medical Center to the National Naval Medical Center in Bethesda. Staff noted that the NNMC campus Master Plan reflects the Base Realignment and Closure (BRAC) Federal Record of Decision of May 2008.

Messrs. Phil Alperson Coordinator of the Montgomery County BRAC Committee, John Carman, Chair of the Montgomery County BRAC Implementation Committee, and Dan Miller Transportation Coordinator representing the Naval Medical Center offered comments and answered questions from the Board.

**8. Preliminary Plan No. 120070450, Martins Property**

R-90/TDR zone; 3.37 acres; 15 lots requested; 5 one-family detached dwelling units and 10 townhouses, one existing dwelling to be removed; located on the west side of Blackburn Road, 100 feet north of Burleigh Hill Court; Fairland

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 3-2**

**Nay: CRYOR, PRESLEY**

**Other:**

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

In accordance with the January 2 technical staff report, Development Review Division staff offered a presentation of the request to create fifteen lots for five one-family detached dwelling units, ten townhouses, and one existing dwelling to be removed, on a 3.37-acre-property located on the west side of Blackburn Road, 100 feet north of Burleigh Hill Court in Fairland. Staff distributed a list of revised conditions at the meeting.

Mr. Al Blumberg, engineer for the applicant, introduced Mr. Robert Lopinto and Ms. Lynn Martins, members of the applicant's team, and noted that the applicant should not be required to build a sidewalk to the north of the existing ramp, as stated in condition 11. He also discussed condition 6 related to the noise study and noted that 65 decibals should be approved instead of 60.

Environmental Planning Division staff offered clarification regarding the level of noise and the noise study done by the applicant.

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

**9. Site Plan Review No. 820090020, Pike Center**

C-4 zone; 6.84 acres; 80,897 gross square foot for retail; located on 12101 Rockville Pike north of Bou Avenue; North Bethesda Garrett Park

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ALFANDRE/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

In keeping with the January 2 technical staff report, Development Review Division staff offered a detailed presentation of the request to create 80,897 square foot for retail on a 6.84-acre property located on Rockville Pike north of Bou Avenue in North Bethesda/Garrett Park.

Ms. Patricia Harris, 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 representative.

**10. Roundtable Discussion**

**(No public testimony will be taken at this time)**

- A. Commissioners’ Reports
- B. Director’s Report
- C. County Council Activity
- D. Development Review Revenue Fund **-ADDED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **There was no Roundtable Discussion.**

**13.     Woodstock Equestrian Park Phase II**

**A. Forest Conservation Plan Amendment**, No. PP2003001, Woodstock Equestrian Park. Amendment to allow additional disturbances for Phase II of facility plan. Located on Darnestown Road northwest of Beallsville Road; Dickerson  
*Staff recommendation: Approve with conditions*

**B. Facility Plan**

Woodstock Equestrian Park, Route 28, Northern Region-Black Hill Maintenance Area, Potomac/Rural Master Plan Area. Presentation of Phase II Facility Plan, which Plan includes: Operations Plan, Operating Budget impact, and cost estimate. The equestrian facilities include beginner/novice cross country eventing course, outdoor rings, rehabilitation of existing historic structures, expanded parking lot, and infrastructure improvements.  
*Staff recommendation: Approve Facility Plan for Phase II of Woodstock Equestrian Park, which Plan includes: Operations Plan, Operating Budget Impact, and Cost Estimate*

**C. Supplemental Appropriation**

Review of Supplemental Appropriation to fund implementation of Phase II Facility Plan  
*Staff recommendation: Transmit Request for Supplemental Appropriation to County Council*

**BOARD ACTION**

**Motion:**           **A. ROBINSON/PRESLEY**  
                          **B. ROBINSON/PRESLEY**  
                          **C. ROBINSON/CRYOR**

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

**Nay:**

**Other:**

**Action:**       **A. Approved staff recommendation for approval of the Forest Conservation Plan Amendment, subject to conditions.**  
                          **B. Approved staff recommendation for approval of the Facility Plan for Phase II of Woodstock Equestrian Park.**  
                          **C. Approved staff recommendation to transmit request for Supplemental Appropriation to County Council.**

Parks Department staff offered a multi-media presentation based on the December 30 technical staff report. Staff discussed the Forest Conservation Plan Amendment to allow additional disturbances for Phase II of the Facility Plan for Woodstock Equestrian Park located on

Darnestown Road northwest of Beallsville Road in Dickerson. Staff also discussed the facility plan request and the supplemental appropriation request.

**13. Woodstock Equestrian Park Phase II**

The following speakers offered testimony: Ms. Tammy Albrecht of Crystal Rock Drive; Ms. Lydia McClain of Lake Potomac Terrace and representing Woodstock Equestrian Park Foundation; Mr. Ron MacNab of Meadowwood Drive and representing Trail Riders of Today (TROT); Ms. Pam DuBois of Springfield Road and representing Equestrian Partners in Conservation; Ms. Betty Thorpe of Washington Avenue and representing the Potomac Valley Dressage Association; Mr. Rex Reed of Amberlea Farm Drive and representing Potomac Bridle and Hiking Trails Association; Ms. Monica Breland of Bigwoods Road and representing Maryland Horse Council; and Ms. Laura Van Etten of Beallsville.

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

**17. CLOSED SESSION -ADDED**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Litigation matters)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**14. Westmoreland Hills Local Park: Ancillary Building and Future Use Options**

*Staff recommendation: Approve ancillary building demolition and future replacement options*

**BOARD ACTION**

**Motion:**                    **ROBINSON/CRYOR**

**Vote:**

**Yea:**                    **3-0**

**Nay:**

**Other:**

**Action:**            **Following Parks Department staff presentation of the December 31 technical staff report, public testimony, and extensive Board discussion, approved staff recommendation to approve demolition of the ancillary building for the Westmoreland Hills Local Park with a 60-day grace period allowing the community to present a report to the Board in 30 days justifying why the building should not be demolished based on a currently licensed structural engineer's recommendation with clear and convincing evidence contrary to the staff's analysis of the building.**

Mr. John Nelson and Ms. Kimberly Deobald of Elliott Road and representing the Westmoreland Citizens Association (WCA) offered testimony.

Ms. Carole Ann Barth, Chairman of the Montgomery County Civic Federation Parks Committee offered testimony in opposition to staff's recommendation giving authority to the Parks Department Director in making future decisions regarding the disposition or demolition of park buildings.

Vice Chair Robinson who was presiding the meeting in the Chairman's absence, instructed staff to resubmit to the Planning Board at a later date their recommendation to allow the Parks Department Director or her designee to make future decisions on the disposition or demolition of park buildings that have no potential use as a park facility or require substantial expense to be maintained, after proper public notice, and in the absence of significant community concern.