



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

301-495-4616

NOT APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, February 19, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:00 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Jean Cryor, Joe Alfandre, and Amy Presley.

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 12:10 p.m. and to take up Items 7, 16, 17, 18, 19, and 20, Closed Session Items.

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 12:30 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Cryor, Alfandre, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508 (a)(3), State Government Article, Annotated Code of Maryland, to consider acquisition of real property for a public purpose; §10-508 (a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice; and §10-508 (a)(13), State Government Article, Annotated Code of Maryland, to comply with a specific constitutional, statutory, or judiciary imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the Closed Session were: General Counsel Adrian R. Gardner, Associate General Counsels Carol Rubin, Christina Sorrento, David Lieb, Derrick Rogers, and Donna Calcote Heatly; Director Mary Bradford, Deputy Director Michael Riley, Bill Gries, April O'Neal, and Gene Giddens of the Parks Department; Rose Krasnow, Robert Kronenberg, Mark Pfefferle, Andrea Stone, Dan Hardy, and Joshua Kaye of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, Legal Counsel briefed the Board on the proposed land to be dedicated as a result of the State Highway Administration acquisition of Rock Creek Ridge Subdivision for the Intercounty Connector project; discussed the Mardirossian case against the Commission; received briefing on various proposed Senate Bills; discussed proposed acquisition of parkland; and approved Closed Session Minutes of December 4, 8, 11, and 18, 2008.

The Closed Session was adjourned at 2:25 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:30 p.m. with all five Commissioners present.

Items 8 through 14 are reported on the attached agenda.

The Board recessed for dinner at 6:30 p.m. and reconvened in the auditorium at 7:30 p.m. for a presentation by Ken Pensyl on Environmental Site Design to the Maximum Extent Practicable: Enhanced Reduction and Treatment of Stormwater, part of the Growing Smarter Montgomery Speaker Series.

There being no further business, the meeting was adjourned at 9:00 p.m. The next regular meeting of the Planning Board will be held Thursday, February 26, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 19, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

Group A: Five Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Presley, Hanson and Robinson]

- i) Bruchie Property Pre-Preliminary Plan No. 720020410, ADOPTION OF RESOLUTION 09-20
- ii) Casey Property at Mill Creek, Preliminary Plan No. 12002022A, ADOPTION OF RESOLUTION No. 09-21

Group B: Four Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Hanson and Robinson]

- iii) Towns of Tanglewood, Site Plan No. 820080100, ADOPTION OF RESOLUTION No. 08-129

Group C: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]

- iv) Black Hills Estates, Pre-preliminary Plan No. 720060240, ADOPTION OF RESOLUTION No. 08-84

BOARD ACTION

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

Vote:
 Yea: **A. 5-0**
 B. 4-0
 C. 3-0

Nay:

 Other: **B. PRESLEY ABSTAINED**
 C. PRESLEY, ALFANDRE ABSTAINED

Action: **A. Adopted the Resolutions as presented in Group A.**
 B. Adopted the Resolution as presented in Group B.
 C. Adopted the Resolution as presented in Group C.

2. Record Plats

Subdivision Plat No. 220090450, Glen Vista

RE-2 zone; 1 lot; located in the northwest quadrant of the intersection of South Glen Road and Edison Road. Potomac

Staff recommendation: Approval

Subdivision Plat No. 220081490, Smokey Glen Farm

RE-2C zone; 1 lot; located on the east side of Riffle Ford Road, at the intersection with Woodsboro Drive. Gaithersburg and Vicinity

Staff recommendation: Approval

Subdivision Plat No. 220070260, Northwest Park

CBD-1 zone; 1 lot; located in the northwest quadrant of the intersection of Battery Lane and Wisconsin Avenue (MD 355). Bethesda CBD

Staff recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of Record Plats, as stated above.**

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Approval of Minutes

- January 15, 2009 Minutes, MCPB

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Minutes of January 15, 2009, as presented.**

5. Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity

Staff Recommendation: Recommend adoption of Limited Amendment by the Full Commission

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Following Community-Based Planning Division staff presentation, approved staff recommendation to submit for adoption by the Full Commission, the Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity.**

6. Worksession #2: Public Hearing Draft White Flint Sector Plan - Economics and Financing

- **Memo**
- **Staff Report**

(No public testimony will be taken at this time)

Planning Board Action/Decision: Discussion only, no vote taken.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received presentation by Community-Based Planning and Research & Technology Divisions staff followed by extensive Board discussion of the draft White Flint Sector Plan – Economics and Financing Prospects.**

County Executive and County Council's representatives, various developers, and property owners offered detailed presentations of proposed development plans for their respective sites. Community group representatives also offered comments. Transportation Planning Division staff offered comments at the Board's request.

7. 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 (Forest Conservation Easements)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

16. 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 (Mardirossian)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

18. Closed Session -ADDED

In accordance with State Government Article, Section 10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider acquisition of real property for a public purpose (Fenton Street urban park Addition and Upper Paint Branch Stream Valley Park Addition)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

19. 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 to discuss pending state legislation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

20. 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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

17. Closed Session -ADDED

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. [Preliminary Plan No. 120080310, Yazdi Property](#)

R-200/TDR zone (standard method); 0.97 acres; 2 lots requested; 2 one-family detached residential dwellings, one existing to remain; located on the east side of Quince Orchard Road across from the intersection of Pissaro Drive; Potomac.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By unanimous consent, deferred action at the applicant’s request.

Development Review staff presented the proposal to create two residential lots on a shared driveway, with one lot fronting on Quince Orchard Road and a pipestem lot to the rear, as detailed in the staff report. Staff noted that the existing house will be removed. Staff pointed out that the abutting property to the north has a similar lot configuration.

Mr. Charles Grimsley, the applicant’s engineer, spoke in support of the staff recommendation.

Mr. Eric Church, owner of abutting property to the east, offered comments.

There followed considerable discussion of the configuration of the two lots and the relationship of the two proposed houses, with one being directly behind the other, unlike the houses on the abutting property, which are offset so that both houses can be seen from the road.

Mr. Grimsley and Ms. Shina Hossein responded to the issues raised and, following discussion, requested deferral to reconfigure the plan.

9. [Preliminary Plan No. 120080290, Miracle Temple Assembly of God \(Resubdivision\) – continuation of 1/22/09 hearing](#)

R-200 zone; 2.23 acres; 1 lot requested; place of worship; located in the southeast quadrant of the intersection of Alderton Road and Woodwell Road; Aspen Hill.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Deferred action at the applicant’s request.

In continuation of the hearing of January 22, 2009, Development Review Division staff presented the proposed resubdivision of an unplatted part of a lot to create one lot for develop-

ment of a house of worship. Staff noted that the Board had determined that the proposed lot did not comply with the resubdivision criteria related to size and agreed that submission of a waiver request would be appropriate. In addition, the Board requested additional landscaped screening. Staff reported that a waiver request, based on unusual circumstances, has been submitted. Staff elaborated on the unusual circumstances and spoke in support of the waiver. Staff also reported that a landscaping plan has been submitted and reviewed by staff.

Mr. Michael Nagy, attorney representing the applicant, introduced Rev. Ebenezer Cater-nor and Mr. Mark Ferguson, the applicant’s land planner. Mr. Nagy discussed the submitted waiver request and concurred in the staff recommendation. He also questioned whether the proposal should be considered as a subdivision or as a resubdivision.

Mr. David Brown, attorney representing the Layhill Village East community; Mr. Subash Duggirala, owner of abutting property on Woodwell Road; Mr. Andrew Groebner of Huckleberry Lane; Ms. Elise Shurie of Huckleberry Lane; Mr. Messanvi Adjogah of Huckleberry Lane; Ms. Felicia Barlow of Woodwell Terrace; Mr. Joe Vincent of Alderton Road; Mr. David Humphrey of Alderton Road; and Mr. Martin Klauber, the People’s Counsel, offered comments on the proposal.

There followed extensive discussion about the subdivision/resubdivision issue, the application of the resubdivision criteria, the need for a waiver, and alternatives to the current proposal that would accommodate the proposed development.

Following considerable discussion of those issues, Mr. Nagy requested deferral to allow the applicant to consider possible reconfiguration of the plan.

10. [Pre-Preliminary Plan No. 720080130, Hull Property](#)

RDT zone; 8.27 acres; 1 lot requested; 1 one-family detached residential dwelling; located on Comus Road, 690 feet east of Slidell Road; Clarksburg.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/HANSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review staff presented the binding pre-preliminary plan proposal for a minor subdivision to create one lot, as detailed in the staff report. Staff noted that the proposed lot does not comply with the base density of the RDT Zone, but it is exempt from those requirements because it was created by deed prior to the rezoning to RDT. In addition, Board approval of a pre-preliminary plan is required because the proposal exceeds the five-acre maximum for staff approval as a minor subdivision.

Mr. Curt Schreffler and Mr. Mark Ferguson, representing the applicant, concurred in the staff recommendation and responded to questions from the Board.

11. [Environmental Review of Part of the Intercounty Connector \(ICC\)](#)

New Hampshire Avenue Interchange and Cape May Road Cul-de-sac, Upper Paint Branch Special Protection Area

Staff recommendation: Transmit comments to Maryland Department of the Environment

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: **Approved the staff recommendation to transmit comments to the Maryland Department of the Environment, as stated in the attached Letter of Transmittal.**

Environmental Planning staff presented an overview of the proposal for early bridge work and grading associated with the future Intercounty Connector New Hampshire Avenue interchange and Cape May Road cul-de-sac within the Upper Paint Branch Special Protection Area, as detailed in the staff report.

Mr. Robert Shreve and Mr. Dan O’Leary, representing State Highway Administration; and Mr. Mark Etheridge, representing County Department of Permitting Services, participated in the discussion.

Mr. Steve Dryden, representing Friends of Rock Creek; Ms. Dolores Milmoie, representing the Audubon Naturalist Society; and Ms. Anne Ambler, representing the Neighbors of the Northwest Branch, offered comments on the project.

12. Resolution of Adoption of Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources -POSTPONED

Designates 20 historic sites and one historic district on the Master Plan for Historic Preservation, retains four resources on the Locational Atlas and Index of Historic Sites, recommends adding one resource to the Locational Atlas, and removes 35 resources from the Locational Atlas

Staff recommendation: Approval to Transmit Resolution to full Commission

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

13. [AB 720-722](#)

AB 720: Abandonment of a portion of Overlook Park Drive, AB 721: Abandonment of a portion of Clarksburg Square Road, and AB 722: Abandonment of a portion of Clarksridge Road, Clarksburg Town Center in Clarksburg

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **CRYOR/ALFANDRE**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved the staff recommendation to approve, subject to conditions.**

Transportation Planning staff presented the proposal to abandon portions of rights-of-way of three streets in the Clarksburg Town Center to allow realignment of the rights-of-way to conform with the Plan of Compliance, as detailed in the staff report.

Mr. Todd Brown, attorney, and Mr. Doug Delano of the applicant company, concurred in the staff recommendation.

14. Roundtable Discussion

- A. Commissioners' Reports
- B. Director's Reports
- C. County Council Activity
- D. Operating and Enterprise Fund Projections

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: D. Received briefing.

A. Commissioners' Reports—None.

B. Director's Reports—None.

C. County Council Activity—No reports.

D. Operating and Enterprise Fund Projections—Secretary-Treasurer Patti Barney presented the six-month financial report for the period ending December 31, 2008, with projections to June 30, 2009, for the Administrative Fund, the Park Fund, and the Enterprise Fund, as detailed in her staff report. Parks Department staff participated in the discussion.

15. [Growing Smarter Montgomery Speaker Series](#)

Ken Pensyl, Environmental Site Design to the Maximum Extent Practicable: Enhanced Reduction and Treatment of Stormwater. Pensyl will describe how developers and landowners can use environmental site design -- a range of strategies and techniques to reduce and treat stormwater runoff at the source -- as well as present an overview of new state stormwater regulations requiring such strategies

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received presentation.