



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

301-495-4616

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, February 26, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:10 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Jean Cryor, and Amy Presley. Commissioner Joe Alfandre was necessarily absent for the morning session.

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 12:15 p.m. and to take up Item 7, a Closed Session Item.

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 12:25 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Cryor, and Presley present and 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 employees.

Also present for the Closed Session was Mary Bradford, Director of the Parks Department.

There was no Technical Writer present at the Closed Session and no Minutes will be prepared.

In Closed Session, the Board discussed the Parks Department Director's Annual Performance Review.

The Closed Session was adjourned at 1:30 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:40 p.m. with all five Commissioners present.

Items 8 through 13 and Item 15 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:10 p.m. The next regular meeting of the Planning Board will be held Thursday, March 5, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 26, 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) Martins Property Preliminary Plan No. 120070450, ADOPTION OF RESOLUTION No. 09-09

BOARD ACTION

Motion: PRESLEY/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the Resolution in Group A as presented.

2. Record Plats

Subdivision Plat No. 220081220, Ridgeview Centre

PD-7 zone; 2 parcels; located in the northeast quadrant of the intersection of Bethesda Church Road and Ridge Road (MD 27). Damascus.

Staff Recommendation: Approval

Subdivision Plat No. 220081710, Hernandez Acres

RDT zone; 1 lot; located on the south side of Whites Ferry Road (MD 107), approximately 3,900 feet east of Partnership Road. Agriculture and Rural Open Space

Staff Recommendation: Approval

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

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.

4. Approval of Minutes

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved Minutes of January 22, 2009, as presented.

5. Revenue Authority recommendations on Sligo Creek Golf Course

The Montgomery County Revenue Authority will present the conclusions of a recent National Golf Foundation study on the Sligo Creek Park Golf Course and discuss management plans for the course.

Planning Board Action/Decision: Approved Revenue Authority to submit report to County Council.

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved Montgomery County Revenue Authority's (MCRA) recommendation to terminate their lease agreement with the Commission for the Sligo Creek Golf Course on October 1, 2009, and also approved transmission to the County Council of MCRA's proposed recommendations for the Sligo Creek Golf Course.

Parks Department Director introduced Messrs. Keith Miller, Executive Director of the Montgomery County Revenue Authority, and John Fisher Associate County Attorney, who discussed the conclusions of a recent National Golf Foundation Study on the Sligo Creek Golf Course and their recommended management plan for the golf course.

There followed extensive Board discussion with questions to staff and MCRA’s representatives.

6. Forest Conservation Plan and Mandatory Referral No. 08108-M-1: Montgomery County Parking Garage

A. Final Forest Conservation Plan Amendment for Mandatory Referral No. 2008101-M-1: Montgomery College Parking Garage - Takoma Park/ Silver Spring Campus 901, Jesup Blair Drive, I-1 Zone, Silver Spring

Staff recommendation: Approval with Conditions

B. Mandatory Referral No. 08108-M-1: Montgomery College Parking Garage - Takoma Park/ Silver Spring Campus, 901 Jesup Blair Drive, I-1 Zone, Silver Spring

Staff recommendation: Approval to transmit comments to Montgomery College

BOARD ACTION

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

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

Nay:

Other: **ALFANDRE ABSENT**

Action: **A. Approved staff recommendation for approval of the Final Forest Conservation Plan Amendment, as discussed during the meeting, and as amended by staff.**

B. Approved staff recommendation for approval to transmit comments to Montgomery College Board regarding the Mandatory Referral for a proposed parking garage at Montgomery College in Takoma Park/Silver Spring.

Design/Community-Based Planning, Urban Design & Preservation, and Environmental Planning Divisions staff presented the forest conservation plan and mandatory referral request for a proposed parking garage to be built on Montgomery College’s campus grounds in Takoma Park/Silver Spring, as discussed in detail in the February 26 technical staff report, accompanied by a multi-media presentation.

At the Board’s request, Parks Department staff and Mr. David Capp, Associate Vice President for Montgomery College Facilities, Office of Central Facilities, offered comments.

The following speakers offered testimony: Mr. George French of Albany Avenue; Mr. Josh Wright of Maple Avenue and representing the City of Takoma Park; Ms. Sabrina Baron, president of Historic Takoma, Inc.; Ms. Frances Phipps representing the Montgomery College

Neighbors Advisory Committee (MCNAC); and Mr. James Evans of New York Avenue, president of the North Takoma Citizens Association.

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

7. Closed Session

In accordance with State Government Article, Section 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 employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Closed Session -POSTPONED

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 (Goshen-Damascus Amendment)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

15. Fenton Street Urban Park/ Upper Paint Branch Stream Valley Park -ADDED

1) Fenton Street Urban Park

Authorization to acquire 17,561 square feet, more or less, improved, from James J. Madden Inc., and Bridgett Madden Moore, Trustee of The Revocable Trust of John P. Madden, located at the intersection of Fenton Street and Philadelphia Avenue, Silver Spring, Maryland.

Staff recommendation: Approval

2) Upper Paint Branch Stream Valley Park

Authorization to acquire 30,121 square feet (0.69 acres), more or less, improved, from John Bailey and Davis Consultant and Investment Group, LLC, located west of Banks Drive, north of Good Hope Road, Silver Spring, Maryland, as a Legacy Open Space Natural Resource Protection Area.

Staff recommendation: Approval

BOARD ACTION

Motion: **1. ROBINSON/PRESLEY**
2. ROBINSON/PRESLEY

Vote:
Yea: **1. 5-0**
2. 5-0

Nay:

Other:

Action: **1. Approved staff recommendation for approval of the acquisition of 17,561 square feet, more or less, improved, for the Fenton Street Urban Park.**
2. Approved staff recommendation for approval of the acquisition of 30,121 square feet (0.69 acres), more or less, improved, for the Upper Paint Branch Stream Valley Park.

Mr. Dan Meijer of Gist Avenue offered testimony.

8. Limited Preliminary Plan and Forest Conservation Plan Amendments Due to the State Highway Administration Intercounty Connector (ICC) Project

- A.** 11991069A, Mill Creek South, Briardale Rd. 1500ft. northwest of Shady Grove Rd., Shady Grove Sector Plan
- B.** 12005038A, Woodlawn/Rock Creek Ridge, Northwest and southeast sides of Needwood Rd., 600 ft. southwest of Muncaster Mill Rd., Upper Rock Creek Master Plan
- C.** 11994011A, Small's Nursery119940110, Northwest quadrant of intersection of Georgia Ave. and Norbeck Rd., Olney Master Plan
- D.** 11997003A, Golden Bear Golf Course Center, Northeast quadrant of intersection of Georgia Ave. and Norbeck Rd., Olney Master Plan

E. 12004055A, Washington Christian Academy, Batchellors Forest Rd., 1300 ft. east of Georgia Ave., Olney Master Plan

F. 11996077A, Willson Property, Layhill Rd., 1400 ft. north of Longmead Rd., Aspen Hill Master Plan

G. 11998048B, Cross Creek, Briggs Chaney Rd., 100 ft. north of Fairland Rd., Fairland Master Plan

H. Graystone Property (Neuberg Property), western end of Countryside Dr., south of Briggs Chaney Rd., Fairland Master Plan; Offsite forest retention for site for: 119980960, Kaufman Property

I. Vihara Property, South of Briggs Chaney Rd., west of Wildwood Dr.; Offsite forest retention site for: 119980960, Kaufman Property

Staff recommendation: Approval with Conditions

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed list of Limited Preliminary Plan and Forest Conservation Plan Amendments due to the State Highway Administration Intercounty Connector (ICC) Project with the exception of the Vihara Property.

In keeping with the February 13 technical staff report, Environmental Planning Division staff presented the amendment requests for the Limited Preliminary Plan and Forest Conservation Plan due to the State Highway Administration Intercounty Connector (ICC) project. Staff discussed in detail the proposed amendments and noted that staff is requesting the Board's vote on the various amendments as outlined in the staff report.

8. Limited Preliminary Plan and Forest Conservation Plan Amendments Due to the State Highway Administration Intercounty Connector (ICC) Project

CONTINUED

Mr. Jerry Strasbaugh of Fairfax Boulevard and representing the Cross Creek Homeowners Association offered testimony.

A representative from State Highway Administration (SHA) offered comments and answered questions from the Board.

There followed a brief Board discussion.

Vice Chair Robinson requested confirmation from staff that all the amendments proposed on the list, with the exception of the Vihara Property, are within the agreed boundaries and the Commission will be compensated for them on a one-to-one basis.

9. Preliminary Forest Conservation Plan and Mandatory Referral No. 08484-MCPS-1 Cabin John Middle School Modernization Project

A. Preliminary Forest Conservation Plan, Cabin John Middle School Modernization Project - 10701 Gainsborough Road, Potomac, R-90 Zone, Potomac Master Plan.

Staff recommendation: Approval with Conditions

B. Mandatory Referral No. 08404 MCPS-1 Cabin John Middle School Modernization Project - 10701 Gainsborough Road, Potomac, R-90 Zone, Potomac Master Plan.

Staff recommendation: Approval to transmit comments to Montgomery County Public Schools

BOARD ACTION

Motion: **A. ALFANDRE/PRESLEY**
 B. ALFANDRE/PRESLEY

Vote:

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan for Cabin John Middle School Modernization Project.**

B. Approved staff recommendation to transmit comments to Montgomery County Public Schools regarding the Mandatory Referral for the Cabin John Middle School Modernization Project.

In keeping with the detailed February 12 technical staff report, Community-Based Planning/Vision and Environmental Planning Divisions staff presented the forest conservation plan and the mandatory referral request for the Cabin John Middle School Modernization project, accompanied by a multi-media presentation. Staff discussed in detail the components of the proposed request.

Mr. Dennis Cross, Project Manager for the Cabin John Middle School Modernization Project, and Mr. Craig Shuman representing Montgomery County Public Schools offered comments at the Board's request.

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

10. Review of updated 10-Year Comprehensive Solid Waste Management Plan for Montgomery County

Staff recommendation: Approval to transmit comments to County Council

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 4-1

Nay: CRYOR

Other:

Action: Approved staff recommendation to transmit comments to the County Council, as discussed during the meeting, and as stated in the attached transmittal letter.

Environmental Planning Division staff discussed the review of the updated 10-year Comprehensive Solid Waste Management Plan for Montgomery County, as discussed in the February 13 technical staff report.

Ms. Julia Tillery of Indianola Drive and representing the Gude Landfill Concerned Citizens offered testimony.

There followed a brief Board discussion with questions to staff.

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

Designates 19 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 37 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.

12. Sectional Map Amendment for the Twinbrook Sector Plan

Staff recommendation: Approval to file a Sectional Map Amendment (SMA) for the Approved and Adopted Twinbrook Sector Plan

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to file a Sectional Map Amendment (SMA) for the approved and Adopted Twinbrook Sector Plan.

13. Roundtable Discussion

- A. Commissioners' Reports
- B. Director's Reports
- C. County Council Activity
- D. Growth Policy Update
- E. Road Code Update

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. Commissioners Report:** Chairman Hanson briefly reported on last evening's joint meeting of the League of Women Voters and the Sierra Club which he attended with Rollin Stanley, Planning Department Director to discuss ideas with regard to the Growth Policy. He noted that it was an extensive and interesting discussion. The Chairman also added that they received lots of comments and answered many questions.

B. Directors' Reports:

i) Received briefing by Rollin Stanley and staff on the Development Application and Fee Report status as of January 31, 2009, and noted that the County Council Committee on Housing and Economic Development (PHED) has been informed of the status of this Fund.

ii) Parks Department Director Mary Bradford briefed the Board on the Enterprise Fund status and noted that she will send a report to the Board before the scheduled Monday meeting with the County Council Committee on Housing and Economic Development (PHED).

C. County Council Activity: None

D. Growth Policy Update: Received briefing from Rollin Stanley, Planning Department Director, on the Growth Policy Update.

E. Road Code Update: Transportation Planning and Development Review Divisions staff reported on their discussion with County Council staff and the County Council Committee on Transportation and Environment (T&E) on the Fire and Rescue portion of the Road Code. Staff noted that the T& E Committee will discuss the Road Code at their next Wednesday meeting. The County Council has approved the fire code, but still has to approve regulations to implement the fire code and it plans to do that on a case-by-case basis.

There followed a brief Board discussion with questions to staff.