



**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, March 10, 2011, at 9:13 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:20 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley joined the meeting at 9:18 a.m.

Items 1, 8, and 2, taken up in that order, are reported on the attached agenda.

The Board recessed at 12:23 p.m. for lunch and to take up Items 4 and 9 in Closed 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 Board convened in Closed Session at 12:48 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of State Government Article, Annotated Code of Maryland, §10-508(a)(1), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees; and §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsel David Lieb of the Legal Department; Director Mary Bradford of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In two separate Closed Session items, the Board conducted the annual performance review of the Director of Parks and consulted with Legal Counsel on the parameters and conduct of the Enforcement Hearing on the afternoon agenda.

The Closed Session was adjourned at 1:29 p.m. Commissioner Presley left the meeting at 1:30 p.m., following the Closed Session.

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

Item 3 and Items 5 through 7 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:20 p.m. The next regular meeting of the Planning Board will be held Thursday, March 17, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, March 10, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

McKenney Hills Downcounty Consortium School #29 Final Forest Conservation Plan MR2010720 –  
ADOPTION OF MCPB RESOLUTION No. 11-19

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Adopted the Board Resolution as stated above.

**B. Record Plats**

1. **Subdivision Plat No. 220101110, Seneca Whetstone**; R-200 zone; 2 lots; located on the west side of Jericho Drive, 300 feet north of Gatlin Drive; Gaithersburg & Vicinity.

*Staff Recommendation: Approval*

2. **Subdivision Plat No. 220110130, Mushroom Meadow**; RC zone; 2 lots; located on the north side of Ashton Road (MD 108), approximately 1,400 feet east of Mink Hollow Road; Sandy Spring - Ashton.

*Staff Recommendation: Approval*

3. **Subdivision Plat No. 220110220 – 220110270, Layhill Overlook**; PD-2 zone; 39 lots, 9 parcels; located in the northeast quadrant of the intersection of Bel Pre Road and Homecrest Road; Aspen Hill.

*Staff Recommendation: Approval*

4. **Subdivision Plat No 220110470, West Chevy Chase Heights**; R-60 zone, 1 lot; located on the south side of Highland Avenue, 400 feet west of Maryland Avenue; Bethesda - Chevy Chase.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ALFANDRE/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved the Record Plats as stated above.

**C. Other Consent Items**

Batchellors Forest CORRECTED Resolution – ADOPTION OF MCPB RESOLUTION No. 11-21

**BOARD ACTION**

**Motion:** WELLS-HARLEY/ALFANDRE

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Adopted the Corrected Resolution as stated above.

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**D. Approval of Minutes**

Minutes of February 3, 2011

**BOARD ACTION**

**Motion:** ALFANDRE/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the minutes of February 3, 2011, as presented.**

**8. Reconsideration Request for Seneca Meadows- Preliminary Plan No. 11998004A and Site Plan No. 820100140**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There was no motion presented to reconsider the Board's actions.**

Legal Counsel to the Board presented a request from Mr. Gregory Pringle of Germantown to reconsider the Board's actions on November 4, 2010, to approve Preliminary Plan Amendment 11998004A, Seneca Meadows Corporate Center, and Site Plan 820100140, The Shops at Seneca Meadows, as detailed in the staff report.

**2. CR Zones Zoning Text Amendment**

Final preliminary discussion of CR ZTA proposing the introduction of the CR "Neighborhood" and CR "Town" zones and review of complete text, testimony, and remaining unresolved issues.

*Staff Recommendation: Transmit ZTA for Introduction by the County Council*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to transmit the proposed Zoning Text Amendment to the County Council for introduction, with final revisions identified in discussion, as stated in the attached Letter of Transmittal.**

Planning Department staff presented a review of the final revised text for the proposed Zoning Text Amendment (ZTA) to revise the CR Zones, based on the discussion, testimony, and Board guidance during the course of eight worksessions on the ZTA. Staff also provided additional information and discussed the remaining unresolved issues.

The Board discussed the ramifications and implementation of various aspects of the proposed new CRN (Neighborhood) and CRT (Town) Zones and the modifications to the CR Zone, directing staff in final revisions to be incorporated into the proposed ZTA prior to transmittal to the County Council for introduction.

#### **4. Closed Session**

Pursuant to State Government Article, Annotated Code of Maryland, §10-508(a)(1), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

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#### **9. Closed Session**

Pursuant to State Government Article, Annotated Code of Maryland, §10-508(a)(7), 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.

**3. Great Seneca Science Corridor Staging**

Discussion to review staging elements for the Great Seneca Science Corridor Master Plan and provide direction to staff

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Received briefing, discussed, and provided guidance to staff.

Planning Department staff offered a multi-media presentation on the staging plan for the Great Seneca Science Corridor Master Plan, including the status of prerequisites for opening Stage I. Staff also discussed implications for plan review and project construction, and requested guidance from the Board on policy issues. Staff noted that no formal Board action is requested at this time and staff will return to the Board with a formal recommendation and approval request later this spring. Staff discussed in detail the requirements for staging and noted that staging applies to all five districts in the Life Sciences Center (LSC), and also discussed both proposed commercial and residential developments.

At the Board's request, Messrs. Robert Brewer, Tim Dugan, and Scott Wallace, attorneys, offered comments.

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

**5. Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing from Parks Department Director.**

Parks Department Director Mary Bradford distributed a monthly report to Planning Board members and briefed them on the following: Grants and Bond Bills; Poole’s House Update; Darby Store move scheduled for this Spring; Update on Cell Towers and Fiber Optics; Capital Improvements Program (CIP); Disposition of two parcels of parkland—Clarksburg Village North Local Park and Garrett Park Estates Local Park; Green Matters Symposium; and recent volunteers events.

**6. [Site Plan Review No. 820110070, Potomac Village Shopping Center](#)**

C-1 zone; 0.018 acres; The Site Plan application concerns an area of only 545 SF for permission to add 545 SF to existing vacant space to accommodate a new restaurant; located on 10100 River Road south of Falls Road; Potomac

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

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

In keeping with the March 10 technical staff report, Planning Department staff presented the request to add 545 square feet to an existing vacant space to accommodate a new restaurant on a 0.018-acre property located on River Road, south of Falls Road in Potomac. Staff noted that this request proposes to convert the existing space formerly used by M&T bank into a restaurant. Staff noted that the existing building is located near the center of the shopping center and, in accordance with current



development standards in the C-1 zone, the applicant is required to submit a new site plan, but a forest conservation plan and/or a stormwater management plan are not required.

Mr. Tim Dugan, attorney representing the applicant, offered brief comments, and concurred with the staff representation.

The following speakers offered testimony: Ms. Janis Sartucci representing the Limestone Court Homeowners Association; Mr. Jeff Gordon of Raymoor Road; Mr. Brendan Magner of Stonebarn Lane; Mr. Mark Richardson of Warde Terrace; Mr. Tom Spencer of Stable Lane; Mr. Adam Chafetz of Willowbrook Drive; Ms. Kathleen Whatley of River Falls Court; Ms. Deborah Rales of Avenel Farm Drive; and Mr. Arthur Alafoginis of Tobin Circle.

There followed a brief Board discussion.

7. [Enforcement Hearing; Montgomery County Planning Department v. Christopher Pirtle](#)

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the Hearing Examiner's recommendation for a civil penalty of \$2,697.50 to be paid within 60 days of the mailing of the request, instead of 30 days, and also approved the applicant's request to submit an amended preliminary plan to convert the existing category I easement into a category II within the next six months, as stated in the attached Board Resolution.**

Legal staff briefed the Board on the recommended decision of the Hearing Examiner regarding the Forest Conservation violation issued to Mr. Christopher Pirtle of Heartsfield Drive in Silver Spring, Maryland, and noted that Planning Department staff agrees with the Hearing Examiner's finding of violation and the payment of a civil penalty in the amount of \$2,697.50 within 30 days of the mailing of the request.

Ms. Sue Carter, attorney representing the applicant, Mr. Christoher Pirtle, offered comments and discussed the possibility of converting the existing Category I easement into a Category II, and requested 60 days instead of 30 for payment of the civil penalty.

At the Board's request, Planning Department staff offered comments and answered questions.

Mr. Paul Wiestma of Catherine Road, an abutting property owner, offered testimony.

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