



**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 12, 2015, at 9:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:30 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Natali Fani-González. Commissioner Norman Dreyfuss joined the meeting at 9:10 a.m. and Commissioner Amy Presley joined at 9:27 a.m.

Items 1 through 6, and Items 10 through 12, are reported on the attached agenda.

Item 5 was postponed.

Item 14 was removed from the Planning Board agenda.

The Board convened in Closed Session at 11:18 a.m. to take up Items 7 and 8, Closed Session Items.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 11:18 a.m. in the 3<sup>rd</sup> floor conference room on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition, and Annotated Code of Maryland §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the Closed Session were Associate General Counsel Carol Rubin and Megan Chung of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, and Paul Mortensen of the Planning Department; Director Michael Riley, Judie Lai, Mitra Pedoeem, Michael Ma, and Rachel Newhouse of the Parks Department; Douglas M. Firstenberg and Mark Allard of Stonebridge Carras Real Estate Investment; Don Hoover of Oculus Landscape Architecture and Urban Design; Kevin Wolcott of Gensler Associates; Xavius DaSilva-Thompson of Montgomery County Department of Transportation; and James J. Parsons of the Commissioners' Office.

In Closed Session the Board received briefing regarding the proposed new Montgomery County Park and Planning Commission Headquarters building in Wheaton; and on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion, and Commissioner Fani-González temporarily absent, the Planning Board voted to approve the Closed Session Meetings Minutes of January 22 and 29, and February 5 and 12, 2015, as submitted.

Commissioner Fani-González left the Closed Session meeting at 12:17 p.m. after discussion of Item 7.

The Closed Session meeting was adjourned at 12:21 p.m.

The Board reconvened in the auditorium at 1:55 p.m.

Commissioner Dreyfuss was absent for the afternoon session.

Items 9, 13, 15, and 16 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:30 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 19, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons  
Technical Writer

M. Clara Moise  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, March 12, 2015**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Bradley Hills Preliminary Plan No.120140160 - MCPB No. 15-16

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** DREYFUSS, PRESLEY ABSENT

**Action:** Adopted the Resolution cited above, as submitted.

**\*B. Record Plats**

**Subdivision Plat No. 220121920, Cabin Branch**

Street Dedication; Cabin Branch Avenue and Little Seneca Parkway, located approximately 3,000 feet south of Clarksburg Road (MD 121); Clarksburg Master Plan

*Staff Recommendation: Approval*

**Subdivision Plat No. 220100350, 220130640 – 220130710, Poplar Run**

R-200 zone; 143 lots, 19 parcels; located in the northeast quadrant of the intersection of Poplar Run Drive and Soaring Wing Lane; Kensington-Wheaton Master Plan

*Staff Recommendation: Approval*

**Subdivision Plat No. 220141310, Esworthy Estates**

RE-2 zone, 2 lots, 1 outlot, located on the north side of Travilah Road, 300 feet west of Watertown Court. Potomac Sub-region Master Plan

*Staff Recommendation: Approval*

**Subdivision Plat No. 220150010 – 220150070, West Side at Shady Grove Metro**

TOMX/TDR zone; 178 lots, 21 parcels, located on the west side of Crabbs Branch Way, 800 feet south of Shady Grove Road; Shady Grove Sector Plan

*Staff Recommendation: Approval*

**Subdivision Plat No. 220150520, Edgemoor**

R-60 zone; 1 lot; located on the south side of Wilson Lane (MD 188), 150 feet west of Clarendon Road; Bethesda - Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS, PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the Record Plats cited above, as submitted.**

**\*C. Other Consent Items**

**A. Elizabeth Square: Extension Request for Project Plan No. 920150010**

CBD-1 zone and CBD-2 zones, 3.12 acres, Mixed-use project with up to 141,651 sf. of residential uses, with up to 140 multi-family dwelling units (including 15% MPDUs), and up to 75,222 sf. of non-residential uses (includes density transfer from sending sites), located in the northwest quadrant of the intersection with Second Avenue and Apple Avenue; Silver Spring CBD Sector Plan

*Staff Recommendation: Approval of Extension*

**B. 18273 Flower Hill Way McDonald's, Site Plan Amendment No. 81985107A**

Minor Site Plan Amendment for revisions to update the building façade, reconfigure drive-thru and surface parking, renovate trash enclosure, and expand area of the pick-up window by approximately 30 square feet. Located at 18273 Flower Hill Way in Gaithersburg; 2.23-acre site zoned Planned Neighborhood Zone (PNZ) in the Gaithersburg Vicinity Master Plan area

*Staff Recommendation: Approval and Adoption of Resolution*

**BOARD ACTION**

**Motion: A. & B. WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**

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

**Nay:**

**Other:           PRESLEY ABSENT**

**Action:           A. Approved staff recommendation for approval of the Extension Request for the Project Plan cited above;  
                      B. Approved staff recommendation for approval of the Site Plan Amendment cited above, and adopted the attached Resolution.**

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of February 5, February 12, and February 19, 2015

**BOARD ACTION**

**Motion:           WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**

**Yea:              4-0**

**Nay:**

**Other:           PRESLEY ABSENT**

**Action:           Approved Planning Board Meeting Minutes of February 5, February 12, and February 19, 2015, as submitted.**

**10.     Sandy Spring Rural Village Plan: Planning Board Resolution**

*Staff Recommendation: Approve the Resolution of Adoption for the Sandy Spring Rural Village Plan and to transmit the Resolution of Adoption to the Full Commission*

**BOARD ACTION**

**Motion:           WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**

**Yea:              4-0**

**Nay:**

**Other:           PRESLEY ABSENT**

**Action:**        **Approved staff recommendation for approval of the attached Resolution for Sandy Spring Rural Village Plan to be transmitted to the Full Commission for adoption.**

**2.        Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **Received Briefing.**

**Parks Department Director's Report** – Parks Department Director Michael Riley briefed the Board on the following Parks Department events and activities: the March 11 in-service training attended by Chair Anderson and Commissioner Fani-González; the “Protecting Our Pollinators” Green Matters Symposium on February 27; the March 9 Capital Improvements Program (CIP) worksession during which the Parks Department briefed the Planning, Housing, and Economic Development (PHED) Committee regarding the impacts of the pending Program Open Space (POS) funding cuts; ongoing one-on-one meetings with County Council members; a recent meeting with State Highway Administration (SHA) staff regarding road projects and park construction permits; Parks Department staff’s address to members of the State Legislature regarding the pending POS funding cuts; the continuing search for a new Montgomery Parks Foundation Executive Director; the March 13 Public Safety Awards, for which two Park Police officers have been nominated; the recent decision by Pepco officials to allow trail connectivity through utility corridors; three pending Maryland State Bond Bills that will affect the proposed Josiah Henson Park, Warner Manor, and Olney Dog Park projects; the upcoming March 17 staff meeting to update staff on the proposed Wheaton Headquarters Building; the Montgomery County Greenfest scheduled for March 28 at Jessup Blair Park; and the status of the Semi-Annual Report scheduled to be presented to the County Council on March 31.

There followed a brief Board discussion with questions to staff, during which Chair Anderson expressed a desire for Parks Department staff to lead the upcoming Semi-Annual Report presentation.

**3.        Piney Meetinghouse Road Bridge No. M-0022 over Watts Branch: Mandatory Referral No. MR2010811 -- Bridge replacement with a roadway widening to accommodate bike lanes.**

*Staff Recommendation: Approval with Comments*

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved staff recommendation for approval to transmit recommendations for the Mandatory Referral request cited above, as stated in the attached transmittal letter to the Montgomery County Department of Transportation.

Planning Department staff offered a multi-media presentation and discussed the proposed construction of a portion of Piney Meetinghouse Road. The project proposes to replace and widen a 24-foot wide bridge that spans Watts Branch to 32-feet wide. The construction will address stream bank erosion and provide for two five-foot bike lanes. The bridge is located north of River Road and south of Glen Road in Watts Branch Stream Valley Park within the Potomac Master Plan area. The bridge is also located within the Watts Branch Watershed. Staff noted that although the Planning Board previously recommended that a shared-use path be included in the project, the County Council declined to include a path. According to staff, the current bicycle accommodations are acceptable. Staff recommended that the Montgomery County Department of Transportation (MCDOT) obtain a park construction permit from the Department of Parks prior to any construction on parkland. Staff also recommended that MCDOT coordinate with Washington Suburban Sanitary Commission (WSSC) on this project, and on a WSSC sewer pipe repair project west of the bridge. Staff noted that during the estimated two-and-one-half months of construction-related road closure, traffic will be detoured to Darnestown Road, Dufief Mill Road, Travilah Road, and River Road.

There followed a brief Board discussion with questions to staff.

**6. White Flint West Transportation, Mandatory Referral No. MR2015005**

Reconfiguration of existing roadway network that includes roadway realignment and construction of new road segments for Main/Market Street and Executive Boulevard extended

*Staff Recommendation: Approval with Comments*

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval to transmit recommendations for the Mandatory Referral request cited above, as stated in the attached transmittal letter to the Montgomery County Department of Transportation.**

Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request by Montgomery County Department of Transportation's (MCDOT's) to reconfigure a segment of existing roadway within the White Flint Sector Plan area. The project proposes the construction of a two-lane business street to be named Market Street that will connect Old Georgetown Road (MD 187) to Woodglen Drive. Market Street would include a 10-foot-wide path on the north side and a six-foot-wide sidewalk on the south side. The project also proposes the realignment and extension of existing Executive Boulevard. The County Council approved the abandonment of the current segment of Executive Boulevard that extends from the intersection with Marinelli Road to the intersection with MD 187. The proposed realigned, four-lane segment would intersect with MD 187 to the east of the current intersection, and be extended north to provide access to a proposed new development.

Staff recommended the elimination of a proposed center turn lane on Executive Boulevard in order to provide two buffered, separated bike lanes. Staff also recommended extending the curbs on all four corners of the intersection of Market Street and Executive Boulevard, and widening the handicap ramps on those corners in order to accommodate bicycle traffic.

Mr. Bruce Johnston of MCDOT offered comments and concurred with staff recommendations for the proposed curb extensions and wider handicap ramps, but noted that the elimination of the center left turn lane would interfere with the off-peak parking proposed for Executive Boulevard. He also added that MCDOT would continue to evaluate design alternatives.

There followed a brief Board discussion.

**\*4. Horizon Hill Lot 48: Preliminary Plan No. 120140190** -- A request to approve two lots for two one-family detached dwelling units as a re-subdivision of a 4.06-acre lot in the RE-2 zone; located at 10812 Red Barn Lane in the 2002 Potomac Sub-region Master Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to conditions, and adopted the attached submitted Resolution.**



Planning Department staff offered a multi-media presentation and discussed the proposed Preliminary Plan request to re-subdivide an existing lot into two lots for two single-family detached dwelling units. The 4.06-acre property is located on Red Barn Lane, and zoned Residential Estate, within the Potomac Sub-region Master Plan area. The property is also located in the Piney Branch Special Protection Area (SPA), within the Watts Branch Watershed. The re-subdivision of the property will return the lot to its originally platted two-lot configuration. The proposed lots will be 2.02 and 2.04 acres respectively, and will front Red Barn Lane. Staff noted that because the property is within the Piney Branch SPA, the Montgomery County Department of Permitting Services (MCDPS) determines water quality requirements, and has determined that the project does not require the submission of a Water Quality Plan, only a Water Quality Inventory, which the applicant submitted and MCDPS approved in October 2014. Staff noted the project conforms to the 2002 Potomac Sub-region Master Plan recommendations, and was reviewed and approved by other applicable County agencies.

There followed a brief Board discussion.

**~~5. — Office Market Assessment for Montgomery County~~**

~~A Planning Board briefing by Partners for Economic Solutions (PES), the consulting firm that recently completed a study of the office market in Montgomery County and Washington Region~~

**POSTPONED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        This Item was postponed.**

**~~14. — The New Office Landscape~~**

~~A staff briefing for the Planning Board about the economic drivers that are influencing job growth and the demand for office space. This briefing precedes an upcoming presentation by PES on the changing office landscape in Montgomery County and the region —~~ **REMOVED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **This Item was removed from the Planning Board Agenda.**

**11.    Ten Corrective Map Amendments (CMAs), H-102 through H-107, to correct technical errors on the zoning map**

*Staff Recommendation: Approval to file 6 Corrective Map Amendments, H-102 through H-107, with the District Council with a Recommendation for Approval*

**Motion:**                **DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea:**                **5-0**

**Nay:**

**Other:**

**Action:**        **Approved staff recommendation to approve and file the Corrective Map Amendments cited above with the District Council.**

Functional Planning and Policy Division staff offered a multi-media presentation and discussed six Corrective Map Amendments (CMAs), to be approved by the Planning Board and filed with the District Council. Staff explained that CMAs were established in Section 59-7.2.2 of the Zoning Ordinance to allow for the correction of an administrative or technical error in a Sectional or District Map Amendment. Staff noted that only the Planning Board may file an application for a CMA.

Staff discussed each CMA separately, including site background information, the errors addressed in the CMA, and the recommended corrections.

There followed a brief Board discussion with questions to staff.

**12.    Zoning Amendment No. 15-03 -- To require all land uses to be licensed where the service provider is required to have a license.**

*Staff Recommendation: Transmit Comments to County Council*

**BOARD ACTION**

**Motion:**                **WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

Planning staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA) that clarifies land uses and services that are required to have a license. The proposed ZTA would require a State or County license in order to operate “bodyworks” establishments, which provide services such as reflexology, acupuncture, and other services not defined as massage. The ZTA will hold these establishments to the same standards as other healthcare providers and allow the Montgomery County Department of Permitting Services to immediately shut down a non-licensed business. Staff noted that a number of bodyworks establishments have been linked to the practice of human trafficking. The proposed ZTA was requested by the County Executive in an effort to assist law enforcement actions against human trafficking in the County.

There followed a brief Board discussion with questions to staff.

**7. CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition

**The topic to be discussed is the compliance with terms for acquisition/disposition of real property related to the relocation of the Montgomery Regional Offices of the M-NCPPC**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**8. CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter

**The topic to be discussed is the approval of Closed Session Minutes of January and February 2015**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**9. [Solar Farms Initiative](#)**

M-NCPPC Montgomery Parks is proposing to build two 5-10-acre solar farms. One would be in South Germantown Recreational Park in a field west of the maintenance facility and the other in Rock Creek Regional Park near the ICC and Needwood Road where dredging spoils are stockpiled. Both areas have limited natural resources, no active or passive recreation existing or planned, and are far from residences

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/PRESLEY**

**Vote:**

**Yea: 4-0**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the proposed Parks Department's Solar Farm Initiatives in South Germantown Recreational Park and in Rock Creek Regional Park.**

Parks Department staff offered a multi-media presentation and discussed the proposal to install the Commission’s first solar arrays in Montgomery County at South Germantown Recreational Park in a field west of the maintenance facility, and at Rock Creek Regional Park east of Needwood Road and immediately south of the Inter County Connector. Parks Department staff is proposing to build two 5 to 10-acre solar farms in these two areas which have limited natural resources, no active or passive recreation existing or planned, and are far from residences. Staff noted that this recommendation is the culmination of a 10-month investigatory study involving staff from the Parks Department. The key goals of this anticipated project are to reduce the Commission’s energy cost and carbon footprint and actualize innovative, clean, and renewable energy solutions that aid in the development of local emerging markets. Staff contacted current solar users from both public and private sectors, conducted site visits, and worked closely with the Commission’s energy consulting firm CQI Associates to survey the benefits and costs of various technologies in use around the region. Staff evaluated approximately 135 park owned properties from an inventory of more than 400 parks. Sites that would displace existing or future planned uses, clear forest, or impact sensitive buffer areas were excluded. Conservation parks and neighborhood parks were largely excluded from the site selection process. Thirty five parks were selected and further analyzed, of which two were selected, as mentioned above. Staff added that following the Planning Board approval of these two sites, staff will coordinate a Request for Proposal (RFP) and Power Purchase Agreement with an expected installation in late fall 2015 with an operation period of 15 to 20 years.

Ms. Jean Cavanaugh of Worth Avenue offered testimony.

Mr. Richard Anderson of CQI Associates Consulting offered comments.

There followed a brief Board discussion with questions to staff and Mr. Anderson.

**13. [Daniel and Kathleen Albert: Special Exception S-2880](#)** --- Request for a special exception to allow an equestrian facility in a residential zone to board horses for personal use. 14400 Chrisman Hill Drive, Boyds, at the southern terminus of Chrisman Hill Drive, approximately 2,500 feet south of its intersection with Clarksburg Road (MD 121), lot 22, Block A, Black Hill Estates, 2.76 acres, R-200 Zone, Clarksburg Master Plan

*Staff Recommendation: Approval with conditions & transmit comments to the Board of Appeals*

**BOARD ACTION**

**Motion: PRESLEY/FANI-GONZÁLEZ**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Special Exception Request cited above, subject to conditions, and to transmit comments to the Board of Appeals, as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed the Special Exception request to allow an equestrian facility in a residential zone to board no more than two horses for personal use. The property is located on Chrisman Hill Drive within the Black Hills Estates subdivision, a subdivision designed as an equestrian community in the Clarksburg Master Plan area. Staff noted that several homes in the community have horses and the neighborhood consists of

equestrian trails connected to Black Hills Regional Park. The subject use is consistent with the recommendations of the Clarksburg Master Plan and is compatible with the residential character of the surrounding area. A corrective map amendment will be introduced at the end of February 2015 to address a map error of the zone classification from the existing Residential (R-200) to Residential (RE-1) that was intended at the time of the adoption of the Master Plan. The proposed Map amendment covers the properties in Black Hills Estates and the surrounding area currently zoned R-200. There are no environmental issues or concerns associated with the request, and the property is not subject to the Forest Conservation Law of the Montgomery County Code. The request does not propose any clearing or grading activities on or near the site.

Mr. Daniel Albert and Ms. Kathleen Albert of Chrisman Hill Drive, the applicants, offered brief comments and concurred with the staff recommendation.

**15. [Intelligence Community Campus-Bethesda \(ICC-B\): Mandatory Referral No. MR2011105-MDP-4](#)**

----Voluntary Submittal following MR2011105-MDP-4 for a pedestrian bridge and walkway, landscaping and stormwater management; located at 4600 Sangamore Road; Bethesda-Chevy Chase

*Staff Recommendation: Approval to transmit comments to the National Capital Planning Commission*

**BOARD ACTION**

**Motion: WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval to transmit comments and recommendations to the National Capital Planning Commission and to the Defense Intelligence Agency, as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request to construct a pedestrian bridge and walkway, including landscaping and stormwater management for the Intelligence Community Campus (ICC) in Bethesda located on Sangamore Road in the Bethesda-Chevy Chase Master Plan area. Staff noted that the original application included a covered walkway without a bridge. The Planning Board is being asked to provide advisory comments and recommendations on the proposed pedestrian bridge and walkway, and the preliminary Master Site Development Plan submission for the ICC Campus. Staff noted that this is the fourth request for the campus redevelopment that began with the Site Development Guide, which was a general overview for the entire campus intentions. Additional plans were submitted in stages as funding became available for the improvements to the North and South campus. Staff recommended additional plantings be provided along the north side of the parking structures near Brooks Lane, additional buffering on the southern side, addition of interpretive signage and gateway features along Sangamore Road with the plantings of

shrubs and deciduous plantings. Staff also discussed the numerous outreach meetings, traffic committee meetings, and various other committees meetings

Dr. Arthur Zeizel of Brookeway Drive and representing the Committee on Stormwater Management offered testimony.

Messrs. Thomas Fitzgerald, Scotte MacQueen, consultants for the project; Mr. Jeffrey Bahr of the U.S. Army Corps of Engineers; and Ms. Suzanne Garrison of the Defense Intelligence Agency, offered comments.

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

**16. Legislative Briefing for Planning Board Position on House Bill 995**

Application of lawn care pesticides

**BOARD ACTION**

**Motion: WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Received briefing and instructed Legal staff and Parks Department Director to transmit Planning Board's recommendations to General Counsel Adrian Gardner.**

Legal Counsel to the Board and Parks Department Director Michael Riley briefed the Planning Board on proposed House Bill 995 regarding the use of lawn care pesticides for child care centers, schools, and recreation facilities. Staff noted that the purpose of this Bill is to prohibit, with a certain exception, a person from applying a lawn care pesticide on the grounds of certain child care centers, schools, and recreation centers, and on certain other recreational fields, in accordance with certain provisions of the law. Staff recommended that the parks be excluded from this Bill and requested that the Planning Board forward its recommendation to the General Counsel.

There followed a brief Board discussion with questions to staff.

Chair Anderson instructed staff to transmit the Planning Board concerns regarding this Bill as it relates to the parks fields, and noted that staff should make it clear that the Montgomery County Planning Board will oppose the Bill if it does not exclude the parks.