



**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, April 12, 2012, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:20 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Items 1, 4, 2, 5, and 3, taken up in that order, are reported on the attached agenda.

The Board recessed at 12:38 p.m. for lunch and to take up Items 10 and 11 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 1:42 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, 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 David Lieb, via telephone, and Christina Sorrento, and Eric Daniel of the Legal Department; Ed Axler, Neil Braunstein, Cherian Eapen, and Rose Krasnow of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on Policy Area Mobility Review (PAMR) mitigation credits in central business districts and issues related to proposed changes to a Category I conservation easement, in preparation for discussion of the Woodmont and Kaufman items, respectively, on the afternoon agenda.

The Closed Session was adjourned at 2:20 p.m.

The Board reconvened in the auditorium at 2:30 p.m.

Items 6 and 8 are reported on the attached agenda.

Items 7 and 9 were postponed.

The Board recessed at 6:30 p.m. to take up Items 12 and 13 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 6:40 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, 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 appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees; and under authority of §10-508(a)(9), State Government Article, Annotated Code of Maryland, to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Executive Director Patti Barney, Human Resources Manager Bill Spencer; Budget Director Darin Conforti of the Central Administrative Services; Director Mary Bradford, Deputy Director Gene Giddens, Karen Warnick, Mary Ellen Venzke of the Parks Department; and Clara Moise of the Commissioners' office.

In Closed Session, the Board received briefing on labor negotiations with MCGEO and FOP and the six-year projections for the Montgomery Administration and Park Funds.

The Closed Session was adjourned at 7:20 p.m.

There being no further business, the meeting was adjourned at 7:20 p.m. The next regular meeting of the Planning Board will be held Thursday, April 19, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, April 12, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION - BY CONFERENCE CALL - THIRD FLOOR CONFERENCE ROOM -  
POSTPONED**

**Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**M-NCPPC ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:       This item was postponed.**

**MONTGOMERY COUNTY PLANNING BOARD - AUDITORIUM**

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**1.       Consent Agenda**

**\*A. Adoption of Resolutions**

1. Kefauver Tract Bradley Hills Preliminary Plan 120110100 – MCPB No. 12-25
2. Rapley Preserve at Avenel Preliminary Plan 11995095A Lot 117, Block C – MCPB No. 12-23
3. Goddard School – Clarksburg Preliminary Plan 12011002A – MCPB No. 12-34
4. BB&T Bank Kensington-Wheaton Preliminary Plan 120110350 – MCPB No. 12-20
5. BB&T Bank Kensington-Wheaton Site Plan 820110120 – MCPB No. 12-21
6. Anselmo Property Site Plan 820110140 – MCPB No. 12-17

**BOARD ACTION**

**Motion:**                    **ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Adopted the Resolutions cited above.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220120180, Buckingham Terrace;** R-60 zone, 1 lot; located on the east side of University Boulevard East (MD 193), 200 feet north of Buckingham Drive; East Silver Spring Master Plan.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220120870, West Chevy Chase Heights;** R-60 zone, 1 lot; located in the northeast quadrant of the intersection of Maryland Avenue and Highland Avenue; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Approved the Record Plats cited above.**

**C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

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**\*D. Approval of Minutes**

Minutes of March 6 and March 8, 2012

**BOARD ACTION**

**Motion:**               **DREYFUSS/ANDERSON**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Approved the minutes of March 6 and March 8, 2012, as presented.**

**2. Roundtable Discussion**

Parks Directors Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **Received report.**

Director of Parks Mary Bradford presented a report of recent and upcoming parks-related activities, highlighting the recent TennisPlex Dedication, the opening of the first cricket field in the parks system at South Germantown Recreational Park, upcoming events related to Earth Day, and the selection of Josiah Henson Special Park by the PBS program, *Time Team America*, as the location for a filmed archaeological dig. Ms. Bradford also noted that Park Police Chief Darien Manley will be retiring, and there followed some discussion with the Board about the search and selection process for that position.

**4 Program Briefing: 2011 Montgomery County Revenue Authority's Annual Report**

Montgomery County Revenue Authority's presentation on the operation of the Commissions' Golf Courses.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received report.**

Mr. Keith Miller, Executive Director of the Revenue Authority, presented the annual report on the operation of the Needwood, Northwest, and Little Bennett Golf Courses, including rounds played, golf programs, environmental initiatives, and capital improvements, as detailed in the submitted report.

**5 Staff Draft 2012 Park, Recreation, and Open Space (PROS) Plan Update**

Review Staff Draft PROS Plan and approve to send to State as Draft, in conformance with Maryland State Guidelines.

*Staff Recommendation: Approve for Public Hearing and Set Public Hearing Date*

**(No Public Testimony)**

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the Staff Draft for transmittal to the State and release for public comment, and agreed to schedule a public hearing in May.**

Parks Department staff previewed the Staff Draft of the 2012 Park, Recreation, and Open Space (PROS) Plan for approval to transmit to the Maryland Departments of Planning and Natural Resources, and for approval to release the Draft for public comment and set a public hearing date. The PROS plan will provide guidance regarding park and recreation facility needs and priorities over the next 10 years, including natural resource conservation and preservation of historic and cultural resources and agricultural land. Staff discussed various elements of the PROS Plan, including the interaction of the Plan with the Vision 2030 Strategic Plan, new guidelines and classifications for urban parks, calculation of need and service delivery strategies for several types of facilities, and natural resource management and the pending new Natural Resource Management Plan.

There followed considerable discussion of parks-related issues, including Program Open Space funding, restrictions on use of property acquired with Legacy Open Space and Program Open Space funds, non-traditional urban park and recreation spaces, expanding the trails system, and possible recreation opportunities in the Agricultural Reserve.

**3. South Germantown Recreational Park**

Authorization to acquire 1.03 acres (44,866 square feet), more or less, improved, from Roger L. and Susan K. Burdette, located at 14600 Schaeffer Road, Germantown, MD 20874-2204.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the proposed acquisition, as stated above, for a purchase price of \$325,000, with an anticipated cost of \$75,000 for demolition of improvements, to be funded through the FY 11-16 Capital Improvements Program.**

Parks Department staff presented the proposal to acquire property for the South Germantown Recreational Park, as detailed in the staff report.

**10. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (TOPIC: Kaufman)

**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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**11. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (TOPIC: Woodmont)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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



**\*6. Preliminary Plan Amendment 11998096B, In Response to a Violation, Kaufman Property, Lot 11, Block A**

Request to remove and replace a Category I Forest Conservation Easement with a Category II Forest Conservation Easement; R-90 Zone; on 0.25 acres located on Heartsfield Drive in the 1997 White Oak Master Plan.

*Staff Recommendation: Denial*

**BOARD ACTION**

**Motion:**                   **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

**Action:**       **At the applicant's request deferred action and instructed staff to work with the applicant on a stormwater management plan and come back in four months with a revised forest conservation plan, including restoration of the ground cover and planting of native evergreens in the Category I Forest Conservation Easement.**

In keeping with the March 29 technical staff report, Planning Department staff discussed the request to amend the final forest conservation plan to replace the existing 0.086-acre Category I Forest Conservation Easement with a Category II easement. Staff noted that the request is in response to a notice of violation sent to the respondent/applicant at 1020 Heartfields Drive in Silver Spring. Staff added that the Planning Board deliberately placed a Category I easement on this lot and other lots in the 49-lot Kaufman property subdivision and this easement is part of a larger, contiguous protected area and changing the Category I easement to Category II will create a discontinuity, and will not achieve compatibility and forest preservation. Staff further added that the violation case was heard by an administrative law judge on December 8, 2010, who recommended an administrative civil penalty and corrective action.

On March 10, 2011, the Planning Board reviewed the administrative law judge's recommendations and decided that the respondent must pay an administrative civil penalty of \$2,697.50 to the Commission within 60 days of the mailing of a Resolution, and the Respondent must do one of the following: i) file a preliminary plan amendment to modify the Category I conservation easement located on the respondent's property modified to Category II easement subject to conditions cited in the Resolution; ii) if respondent does not timely comply with the requirements of the conditions, he must perform the corrective actions required by the Recommended Order no later than 60 days after failing to comply. The applicant paid the administrative civil penalty on September 30, 2011 and has chosen to request an amendment to the forest conservation easement. After analyzing the regulatory history of the site, the intent of

**\*6. Preliminary Plan Amendment 11998096B, In Response to a Violation, Kaufman Property, Lot 11, Block A**

CONTINUED

the Planning Board's decision to place a Category I conservation easement on the property, and the site-specific factors involved in this case, staff recommends denial of this amendment and recommends that the respondent follow the administrative law judge's corrective action.

At the Board's request, Ms. Piera Weiss, Planning Department Deputy Director, offered comments.

Mr. Josh Maisel, land planner representing the applicant, discussed the proposed amendment and did not concur with the staff recommendation.

Mr. Chris Pirtle, the applicant, offered comments and answered questions from the Board.

The following speakers offered testimony: Mr. Paul H. Wietsma of Kathryn Road, adjacent property owner; and Ms. Maria Germany of Caplinger Road.

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

**7. Transfer of Spending Authority to Germantown Town Center Urban Park - POSTPONED**

Consideration of a request to transfer spending authority of \$600,132.92 in the FY12-16 Capital Improvements Program to the Germantown Town Center Urban Park (Project 078704) from Elmhirst Parkway Local Park (Project 078703) and Roof Replacement: Local Parks (Project 827738).

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This Item was postponed.**

**\*8. Woodmont 7200**

**A. Project Plan Amendment Review No. 92007007B, Woodmont/7200**, CBD-2 zone, 5.81 acres, Amendment to add 243,063 square feet of new development including 54,905 square feet of office space, 53,029 square feet of retail space and 230-room hotel for a total of 1,212,890 square feet; located at the northwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue; Bethesda CBD

*Staff Recommendation: Approval with Conditions*

**B. Preliminary Plan Amendment Review No. 12007020B, Woodmont/7200**, CBD-2 zone, 5.81 acres, Amendment to add 243,063 square feet of new development including 54,905 square feet of office space, 53,029 square feet of retail space and 230-room hotel for a total of 1,212,890 square feet; located at the northwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue; Bethesda CBD

*Staff Recommendation: Approval with Conditions*

**C. Site Plan Amendment Review No. 82009008A, Woodmont/7200**, CBD-2 zone, 5.81 acres, Amendment to add 243,063 square feet of new development including 54,905 square feet of office space, 53,029 square feet of retail space and 230-room hotel for a total of 1,212,890 square feet; located at the northwest quadrant of the intersection of Bethesda Avenue and Wisconsin Avenue; Bethesda CBD

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                   **A. DREYFUSS/WELLS-HARLEY**  
                                  **B. DREYFUSS/ANDERSON**  
                                  **C. DREYFUSS/PRESLEY**

**Vote:**

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

**Nay:**

**Other:**

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

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

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

In keeping with the March 28 technical staff report, Planning Department staff discussed the request to amend the project plan, preliminary plan, and site plans for the Woodmont 7200 project located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue, by adding 168,950 square feet of office, 25,088 square feet of retail, and 182,950 square

**\*8. Woodmont 7200**

CONTINUED

feet of hotel to the existing and previously approved uses. Staff noted that the residential portion of the residential will be reduced by 22,974 square feet, but the number of dwelling units will remain unchanged at 210. Staff discussed the previously approved plans. Staff presented an overview of various elements of the proposal, including the location and architecture of the proposed buildings and the public improvements proposed for adjacent roads; and public use and amenity space, including public seating area, step down stairs, restaurants, offices, and street trees. Staff also discussed the alignment for the Capital Crescent Trail, noting that based on discussions at the County Council it is not clear how the alignment will be accommodated with the construction of the Purple Line. Staff reviewed the revised conditions of approval for the proposed plan amendments, including the revised Policy Area Mobility Review (PAMR) requirements for the project.

Ms. Pat Harris, attorney for the applicant, introduced Mr. Robert Sponseller, Ms. Holly Hull, and Ms. Lisa Delplace, members of the applicant team, briefly discussed the proposed request, and concurred with the staff recommendation.

Ms. Holly Hall, Ms. Lisa Delplace, and Mr. Robert Sponseller discussed the proposed amenities and the proposed buildings architecture and answered questions from the Board. There followed extensive Board discussion with questions to staff and the applicant's representative.

**9. Budget Discussion - POSTPONED**

Discussion regarding Council questions of FY 13 proposed budget.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This Item was postponed.**

**12. 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 State citation and open session report in narrative minutes.

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**13. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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