



**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 28, 2011, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:22 p.m. In recognition of National Bring Your Child to Work Day, Tyron Simms, age 5, struck the gavel to bring the meeting to order. Chair Carrier welcomed the children to the day's activities, which will focus on this year's theme, Invent the Future.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1 through 5, and 12 are reported on the attached agenda.

The Board recessed at 11:08 a.m. for lunch and to take up Items 10, 6, 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 11:30 a.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Presley present and voting in favor of the motion, and with Commissioners Alfandre and Dreyfuss absent. Commissioner Dreyfuss joined the Closed Session at 12:25 p.m. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7), to consult with counsel to obtain legal advice; §10-508(a)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations; and §10-508(a)(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 all or part of the Closed Session were Executive Director Patti Barney; Secretary-Treasurer Joe Zimmerman; Human Resources Director Bill Spencer; Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Deputy Director Gene Giddens of the Parks Department; Carlton Gilbert, Renee Kamen, Rose Krasnow, and Glenn Kreger of the Planning Department; Ellyn Dye of the Commissioners' Office; and consulting attorney Craig Ballew.

In Closed Session, the Board consulted with Legal Counsel on a procedural issue related to changing an action taken last week, and taken up again this morning, related to the Parks Capital Improvements Program (CIP) and received a briefing on the review process for special exception petitions; discussed and provided guidance to staff on matters related to collective bargaining negotiations; and approved submitted Closed Session minutes.

The Closed Session was adjourned at 2:01 p.m.

The Board reconvened in the auditorium at 2:10 p.m.

Prior to taking up the afternoon agenda, the Board took action on Item 12, the last item of the morning session.

Items 11 and 7, taken up in that order, are reported on the attached agenda. Item 9 was cancelled.

The Board recessed for dinner at 4:50 p.m. and reconvened in the auditorium at 6:40 p.m. to hear testimony and receive evidence submitted into the record for Item 8, Public Hearing for the Kensington and Vicinity Sector Plan.

There being no further business, the meeting was adjourned at 9:22 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 5, 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, April 28, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Brooke Park Preliminary Plan 12010030 - ADOPTION OF MCPB RESOLUTION No. 10-164
2. Clewerwall Preliminary Plan 120100150 - ADOPTION OF MCPB RESOLUTION No. 11-04
3. Goddard School - Clarksburg Preliminary Plan 120110020 - ADOPTION OF MCPB RESOLUTION No. 11-22

**BOARD ACTION**

**Motion:**                   2) **PRESLEY/WELLS-HARLEY**  
                                  3) **PRESLEY/WELLS-HARLEY**

**Vote:**  
    **Yea:**                 2) **4-0**  
                              3) **3-0**

**Nay:**

**Other:**                 2) **ALFANDRE ABSENT**  
                              3) **ALFANDRE ABSENT; DREYFUSS TEMPORARILY ABSENT**

**Action:**            1) **By consensus, removed the Resolution for the Goddard School Preliminary Plan 120110020 from the Consent Agenda.**  
                          2) **Adopted the Brooke Park and Clewerwall Resolutions, No. 10-164 and 11-04, respectively, as cited above.**  
                          3) **Adopted the Goddard School - Clarksburg Preliminary Plan 120110020 Resolution No. 11-22, as corrected.**

At the Chair's request, the Board removed the Goddard School Resolution from the Consent Agenda. The Board took action on that Resolution, which was resubmitted with corrections, just prior to the lunch recess.

**\*B. Record Plats**

**1. Subdivision Plat No. 220110900, The Orchards of Sandy Spring;** RNC zone, 7 lots, 1 parcel; located on the east side of Oakwood Manor Drive at the intersection of Towering Beech Court; Sandy Spring-Ashton.

**2. Subdivision Plat No. 220111030, Glen Mar Park;** R-60 zone, 1 lot; located on the east side of Nahant Street, 25 feet north of Madawaska Road; Bethesda-Chevy Chase.

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

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

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**\*C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Other Consent Items.**

**\*D. Approval of Minutes**

- Minutes of March 31, 2011

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the minutes of March 31, 2011, as presented.**

**2. East Gude Drive Widening (Crabbs Branch Way to Southlawn Lane)**

Facility Planning Phase I Project Prospectus Review

*Staff Recommendation: Transmit Comments to the Montgomery County Department of Transportation (MCDOT)*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the staff recommendation to transmit comments, as revised in discussion, as stated in the attached Letter of Transmittal.**

Planning Department staff presented the proposed project to widen East Gude Drive from Crabbs Branch Way to Southlawn Lane, as detailed in the staff report.

Mr. Carl Starkey and Ms. Patricia Shepherd, representing County Department of Transportation (DOT), participated in the discussion and responded to questions from the Board.

**3. Beverly Farms Elementary School Modernization**

**A. Preliminary Forest Conservation Plan: Beverly Farms Elementary School Modernization; 8501 Postoak Road, R-90 Zone, Potomac Subregion Master Plan**

*Staff Recommendation: Approval with Conditions*

**B. Mandatory Referral No. 2011304-MCPS-1: Beverly Farms Elementary School Modernization;**

8501 Postoak Road, R-90 Zone, Potomac Subregion Master Plan

*Staff Recommendation: Approval to Transmit Comments to MCPS*

**BOARD ACTION**

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

**Vote:**

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

**B. 4-0**

**Nay:**

**Other:**                **ALFANDRE ABSENT**

**Action:**            **A. Approved the staff recommendation to approve the Preliminary Forest Conservation Plan, subject to conditions, as stated in the attached Board Resolution.**

**B. Approved the staff recommendation to transmit comments on the Mandatory Referral, as stated in the attached Letter of Transmittal.**

Planning Department staff presented the Forest Conservation Plan and Mandatory Referral review of the proposed Beverly Farms Elementary School Modernization, as detailed in the respective staff reports. Staff also made a revision to the staff report related to the requested forest conservation waiver. The proposal is to replace the existing building with a larger, two-story school, and reconfigure the parking lots, circulation patterns, and ball fields to better integrate the school facilities with the abutting park.

Mr. Joseph DeRosa, representing Montgomery County Public Schools (MCPS), and Mr. William Kirwan the architect, offered comments and responded to questions from the Board.

Parks Department staff also participated in the discussion.

**4. Roundtable Discussion**

A. Parks Director's Report

B. Transportation Policy Area Review (TPAR)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefings, as stated below.**

**A. Parks Director's Report** – Director of Parks Mary Bradford presented an overview of activities and accomplishments in the Parks, in keeping with her submitted written report.

**B. Transportation Policy Area Review (TPAR)** – Planning Department staff briefed the Board on the proposed new Transportation Policy Area Review process, which is anticipated to replace Policy Area Mobility Review (PAMR) in the subdivision staging policy process.

**5. Enforcement Hearing; Montgomery County Planning Department v. Oluseyi & Oyinola Fashina - POSTPONED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**12. Amendment to FY 11-16 Department of Parks Capital Improvements Program**

*Staff Recommendation: Approval to Transmit Recommendations to County Council*

**BOARD ACTION**

**Motion: 1. PRESLEY/WELLS-HARLEY  
2. WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 1. 3-0-1  
2. 3-0-1**

**Nay:**

**Other: ALFANDRE ABSENT  
DREYFUSS ABSTAINED BECAUSE HE WAS NOT PRESENT FOR  
THE DISCUSSION**

**Action:** 1. Agreed to reconsider the Board's action on April 21, 2011, to approve an amendment to the FY 11-16 Parks Capital Improvements Program (CIP) schedule for the design and expansion of the North Four Corners Local Park.

2. Agreed to continue to support the originally approved FY 11-16 Parks Capital Improvements Program (CIP) schedule for the design and expansion of the North Four Corners Local Park, to start the design in FY 12 and complete construction in FY 15.

Deputy Director of Parks Mike Riley discussed the action taken by the Board last week to recommend a change in the FY 11-16 Parks Capital Improvements Program (CIP) schedule for the design and expansion of the North Four Corners Local Park. He noted that the originally approved schedule was to start the design in FY 12 and complete construction in FY 15. An alternative schedule has been proposed by a few County Council members, to delay the project for one year. Last week, Parks Department staff presented a third alternative, which the Board approved, to extend the schedule to 5 years, with design starting in FY 12, and construction completed in FY 16. Mr. Riley was not present for that discussion. He recommended that the Board support the currently approved schedule, rather than proposing a third alternative.

There followed some discussion of the reasons a delay in the schedule has been proposed, and the impact of that delay. In addition, while the Board supported the proposal by the Deputy Director of Parks, there was some discussion of the procedure to change the Board's action from last week.

After the Board recessed for lunch, the Board received advice of counsel in Closed Session on this issue. The Board took action on this item, as stated above, before taking up the first item in the afternoon session.

## **10. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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



**6. 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.**

**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 official citation and open session report in narrative minutes.**

**11. Budget Update**

- Updated CAS labor distribution analysis and CAS costs allocation

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion.**

Executive Director Patti Barney briefed the Board on the Central Administrative Services (CAS) alternate methodology for calculating the Bi-county FY 12 proposed budget allocations. Ms. Barney offered a multi-media presentation and discussed the FY 12 proposed CAS budget based on labor distribution and cost drivers.

There followed a brief Board discussion regarding the accuracy of the calculations.

Commissioner Dreyfuss noted that he is not convinced that the proposed calculation method is really showing the reality, and noted that the Montgomery County Council might question the effectiveness of the proposed method.

Chair Carrier added that it is important to get staff to code their time accurately.

**7. Board of Appeals No. CBA-1383-A: Tilden Woods Recreation Association, Inc.**

Applicant requests a major modification to an existing special exception community swimming pool, R-90 zone; located at 6806 Tilden Lane, Rockville

*Staff Recommendation: Granted in Part and Denied in Part. Transmit recommendations to Hearing Examiner*

**(Action Required for Hearing by the Hearing Examiner on 5/6/11)**

**BOARD ACTION**

**Motion: PRESLEY/DREYFUSS**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: CARRIER RECUSED HERSELF DUE TO POSSIBLE  
CONFLICT OF INTEREST  
ALFANDRE ABSENT**

**Action: Approved staff recommendation to transmit recommendations to the Hearing Examiner, as discussed during the meeting, and as stated in the attached transmittal letter.**

At the start of the meeting Chair Carrier recused herself, stating that as a member of the swim club at Tilden Wood Recreation she will not participate in the discussion for this item.

In keeping with the April 20 technical staff report, Planning Department staff offered a multi-media presentation of the request to modify an existing Special Exception request regarding a community swimming pool located on Tilden Lane in Rockville. Staff noted that the applicant, the Tilden Wood Recreation Association, Inc., is requesting to operate the pool from the first week in May to the last week in October instead of from Memorial Day weekend to Labor Day weekend, and is also requesting longer hours of operation, swim team practice as early as 6:00 a.m., and would like to hold an annual 5K Run, as well as a number of organized events. Staff noted that there were a number of complaints by adjacent residents to the Department of Permitting Services regarding the hours of operation, fencing, and screening, and the Hearing Examiner has set a public hearing date for May 6, 2011. Staff does not support the 5K Run request, and has added conditions requiring the applicant to do additional screening and fencing for the site. The applicant is also requested to plant new evergreen trees on the site in the southwest corner and upgrading the light fixtures to prevent glare on the adjacent properties.

Ms. Soo-Lee-Cho, attorney representing the applicant Ms. Barbara Ship, also present, discussed the proposed request and the proposed modifications to the conditions of approval.

Ms. Barbara Ship, the applicant, also offered comments and answered questions from the Board.

**7. Board of Appeals No. CBA-1383-A: Tilden Woods Recreation Association, Inc.**

The following speakers offered testimony: Mr. Bill Bullough of Rolling Acres Way; Mr. Adrian Astiz of Hampton Mill Terrace; Mr. B. J. Sadoff of Stonewood Terrace; and Ms. Suzanne Keller of Stonewood Terrace.

In rebuttal, Ms. Soo-Lee-Cho noted that it will be very expensive to fence the property, and there is a grade drop on the east side of the property which prevents fencing, but the applicant will provide additional planting for screening as recommended by staff.

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

**9. Roundtable Discussion - CANCELLED**

C. Project Briefing: North Four Corners Local Park

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was cancelled. See related item, 12.**

**8. Public Hearing Kensington and Vicinity Sector Plan**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Heard testimony and received evidence submitted into the record.**

**A VERBATIM TRANSCRIPT FOR THIS ITEM IS ON FILE IN THE RECORDS  
MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.**