



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, May 2, 2013, at 9:12 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:10 p.m.

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

Items 1, 14, 6, 4, and 5 discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 12:30 p.m. and to take up Item 7 in Closed Session, and to also participate with the Prince George's County Planning Board in a Closed Session conference call meeting of The Maryland-National Capital Park and Planning Commission (M-NCPPC) at 1:00 p.m.

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 12:43 p.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 Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. 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.

Also present for all or part of the Closed Session items were Associate General Counsel Carol Rubin; Acting Director Rose Krasnow and Robert Kronenberg of the Planning Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session, legal counsel briefed the Board on the Rural Open Space Policy scheduled for Board discussion on next Thursday Planning Board Agenda.

The Closed Session was adjourned at 1:00 p.m.

The Board convened in open session in the third floor conference room, and to participate with the members of the Prince George's County Planning Board in a Closed Session conference call meeting of The Maryland-National Capital Park and Planning Commission (M-NCPPC) at 1:00 p.m. 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 and to conduct collective bargaining negotiations.

Also present for the Closed Session on the Montgomery County side were Associate General Counsel Carol Rubin of the Legal Department; Acting Planning Department Director Rose Krasnow; Director Mary Bradford, and Deputy Director Mike Riley of the Parks Department.

The Closed Session meeting was adjourned at 2:00 p.m. Minutes of the Closed Session meeting are reported in the M-NCPPC Closed Session meeting Minutes.

The Board reconvened in the auditorium at 2:05 p.m.

Items 2, 3, 9, 10 through 12, and Items 7 & 13, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:10 p.m. The next regular meeting of the Planning Board will be held Thursday, May 9, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 2, 2013, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220120150, Piedmont Crossing

R-90 zone, 4 lots, 1 parcel; located in the northeast quadrant of the intersection of Amity Drive and Picea View Court; Shady Grove Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220121730-220121790, Village West at Germantown Town Center

RMX-2 zone, 166 lots & 11 parcels; located on Waters Road, 700 feet south of Wisteria Drive; Germantown Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220131090, Robertson's addition to Bethesda

R-60 zone, 2 lots; located on the north side of Rugby Avenue, 250 feet west of Glenbrook Road; Bethesda CBD Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

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.

***D. Approval of Minutes**

Minutes of April 4, 2013

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved Planning Board Meeting Minutes of April 4, 2013, as submitted.**

14. Zoning Code Revision Implementation

Planning Board Action/Decision: Transmit Zoning Code Report to the County Council

BOARD ACTION

Motion: **CARRIER/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Following a brief staff presentation and discussion, approved staff recommendation to transmit the revised Zoning Code report to the County Council.**

***6. Site Plan Amendment Review No. 82006022A, High Acres**

R-90 (Cluster), 4.4 acres, amendment to revise lot lines, landscaping, lighting and recreational facilities; located at 6450 Brookes Lane at the intersection with Sangamore Road, Bethesda-Chevy Chase

Planning Board Action/Decision: Approval with conditions and Adoption of Resolution

BOARD ACTION

Motion: **DREYFUSS/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval, subject to revised conditions, and adopted the attached Board Resolution.**

At the onset of discussion of this item, Mr. David Berg representing the Civic League for Brookmont offered testimony and answered questions from the Board.

In keeping with the April 19 technical staff report, Planning Department staff discussed a proposed site plan amendment for a 4.4-acre property located on Brookes Lane in the Bethesda-Chevy Chase Master Plan area. The site plan was approved on March 27, 2007 for twelve townhouses, with one existing one-family dwelling to remain. The proposed amendment will eliminate approved recreational facilities, eliminate individual underground parking garages, reconfigure two drive aisles into one roadway, replace a single retaining wall with two terraced retaining walls, and increase the overall wall height, revise the lot lines, and revise landscaping and lighting plans. The project is exempt from the requirement to provide recreational facilities as the total number of units to be constructed is less than the threshold requirement of 25 units. Staff discussed the revised conditions of approval.

Mr. Sassan Gharai, architect representing the applicant, briefly discussed the proposed request, providing details regarding the two terrace retaining walls and added that the project has been scaled down given the real estate market and the general economic situation in the County.

Messrs. Michael Schechter and Hal Stuart of Brookes Lane Development Company, the applicants, and Mr. Mike Norton, landscape architect and member of the applicant's team also offered comments at the Board's request.

The Board instructed staff to add a condition requiring additional planting on the MacArthur Boulevard side of the project to serve as screening for the nearby neighborhood, and enforcing that the trees be of 2-inch caliber, as part of the revised forest conservation plan.

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

4. Proposed Amendment to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan: Windridge Farm (Courts at Clarksburg/Orchard Run) –

Located at the intersection of MD27 and Brink Road, PRC Zone, Clarksburg Master Plan

Staff recommendation: Approval to transmit recommendations to the County Council

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

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

Planning Department staff discussed the request to provide sewer service to the Windridge Farm property located at the intersection of MD27 and Brink Road in Clarksburg. Staff noted that this sewer and water category change request has been referred to the Planning Board by the County Council for a determination of consistency with relevant master and sector plans, and recommendations

to the County Council for final action. The Planning Board is required by State law to make a Master Plan determination for consistency on each water and sewer case. After review of this request, staff recommends approval of sewer service to this property based on the Planning Board's action on the Butz property rezoning case, the Hearing Examiner's report and recommendation of approval of the Butz case, and the County Council determination that the water and sewer action must occur before the Council's consideration of the rezoning request.

Mr. Jody Kline, attorney representing the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

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

***5. Preliminary Plan Limited Amendment No. 11991045A Peterson Property (Lot 5) - REMOVED**

A request to remove a portion of the Category I Conservation Easement located on Norwood Road approximately 2,100 feet north of Norbeck Road, 2.1 acre lot, RE-2C Zone, Cloverly Master Plan
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. 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.

15. Teleconference Meeting of The Maryland-National Capital Park and Planning Commission (M-NCPPC) - MRO 3rd Floor Conference Room - ADDED
Pursuant to Section 10-508(a)(9) and (a)(7) of the State Government Article Annotated Code of Maryland to conduct collective bargaining negotiations and consult with Counsel

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See official citation and open session report in narrative Minutes of the M-NCPPC.

16. Open Session - ADDED

The Commission will ratify actions taken in closed session by returning to an open session

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Action reported in the M-NCPPC Open Session Meeting Minutes of May 2, 2013.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

Parks Director's Report – Parks Department Director Mary Bradford distributed and discussed her report of recent developments relating to the Parks programs: i) the newly refurbished Woodstock Equestrian Park which is now open; ii) the 2012 Tree City USA award to the Park Department for Little Bennett Regional Park Campground; iii) many volunteers for Earth Month events removed over 30,000 pounds of trash from park grounds, and worksessions are underway for the FY2014 budget.; iv) the tree removal services responding to damage from Hurricane Sandy and the “Derecho” have expended the Parks Department \$100,000 budget, and there are still over 1,000 open work requests; and v) Park Police held an honors award ceremony last week for its staff.

Ms. Judy Koenig of Chevy Chase offered testimony and presented photographs of damaged fields and requested more rigorous parking enforcement.

At the Board's request, Parks Department staff discussed parking control efforts, and answered questions from the Board.

3. Annual Report from The Maryland Soccer Foundation

Regarding the SoccerPlex Presentation of the annual report as required by the lease terms

Staff Recommendation: Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed the Maryland Soccer Foundation annual report.

Ms. Tricia Heffelfinger, Executive Director of The Maryland Soccer Foundation (MSF), discussed the annual report of the SoccerPlex facility in South Germantown Recreational Park, as required by their lease agreement with the Maryland National Capital Parks and Planning Commission. Ms. Heffelfinger offered a multi-media presentation displaying upgrades to the playing fields, irrigation system, and stadium. She explained how the new sand channel drains improve playability. She cited an economic impact study carried out in conjunction with George Washington University that estimates the SoccerPlex attracts over 51,000 out-of-state visitors per year who spend close to \$14 million and generate \$1.2 million in state and local tax revenue.

The Board complimented Ms. Heffelfinger on the state of the facilities, calling them a “perfect example of public/private partnership.”

Ms. Judy Koenig offered testimony and noted that the sand channel drain technology used at the SoccerPlex could improve local parks.

***9. Preliminary Plan Amendment Review No. 12006040A, 8300 Wisconsin Avenue**

CBD-1 Zone, 1.60 acres, Amendment to modify condition no. 4 related to the Policy Area Mobility Review (PAMR) requirement based upon the Board’s reconsideration of the adopted resolution, located at 8300 Wisconsin Avenue in the ~~northwest~~ northeast quadrant of Battery Lane and Woodmont Avenue, Bethesda CBD - **REVISED**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, and adopted the submitted Resolution.

Planning Department staff discussed a request for an amendment to the Preliminary Plan for 8300 Wisconsin Avenue. Staff noted that the location of the planned development is a 1.6- acre site in the Bethesda Central Business District (CBD) Sector Plan Area. The Preliminary Plan was originally approved on December 22, 2005, and amended on May 3, 2012. As a result of Policy Area Mobility Review (PAMR) calculations, the Preliminary Plan Amendment included a condition requiring the applicant to make mitigation payments for 52 peak-hour trips. The applicant believes that if their trip generation had been calculated according to the currently accepted protocol of discounting “pass-by”

trips, the number of peak-hour trips generated would not have been found to be high enough to require mitigation payments. Staff supports the request for an amendment, and recommends revising Condition 4 to eliminate PAMR mitigation payment requirements.

There followed a brief Board discussion with questions to staff.

10. Clarksburg Damascus Middle School No. 2

***A. Preliminary/Final Water Quality Plan No. 2013025: Clarksburg Damascus Middle School No. 2**

New middle school and fields, Greenway Village Subdivision, located between Little Seneca Parkway, Skylark Road, Meadow Mist Drive, and Ridge Road (MD 27), 22.37 acres, PD-4 Zone, Clarksburg Master Plan & Hyattstown Special Study Area

Staff recommendation: Approval with Conditions and Adoption of Resolutions

B. Mandatory Referral No. 2013025: Clarksburg Damascus Middle School No. 2

- REVISED

New middle school and fields, Greenway Village Subdivision, located between Little Seneca Parkway, Skylark Road, Meadow Mist Drive, and Ridge Road (MD 27), 22.37 acres, PD-4 Zone, Clarksburg Master Plan & Hyattstown Special Study Area

Staff recommendation: Approval and Transmit Comments to the MCPS

BOARD ACTION

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

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

Nay:

Action: A. Approved staff recommendation for approval subject to revised conditions, and adopted the submitted Resolution.

B. Approved staff recommendation for approval and to transit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the request from Montgomery County Public Schools (MCPS) to construct a new middle school and athletic fields on a currently vacant 22.37-acre property located between Little Seneca Parkway, Skylark Road, Meadow Mist Drive, and Ridge Road (MD 27) in the Clarksburg Master Plan area. The school would alleviate crowding in feeder middle schools for the Clarksburg and Damascus High School Clusters, is compliant with the Master Plan, and compatible with the surrounding neighborhood. The proposed site is located in the Clarksburg Special Protection Area and therefore requires an approved Final Water Quality Plan in order for the application to proceed. The proposed design would share stormwater management with adjacent developments and minimize use of impervious surface. However, staff recommends that approval conditions allow up to 40 percent impervious surface in order to leave a margin of error in case the American Disability Act (ADA) access compliance requires construction of

additional ramps or parking spaces. The Forest Conservation Plan for this site was already approved in the Greenway Village preliminary plan application, and the proposed plans conform to all requirements of the previously approved Forest Conservation Plan.

Mr. Michael Shpur of MCPS offered comments, and answered questions from the Board.

***11. Forest Conservation Plan for CBA1174C, Holton Arms School (in response to a violation)**

R-200, 54.68 acres, Proposal to swap easement areas onsite and providing a number of environmental enhancements, while addressing the encroachment into an existing easement, located on River Road, approximately 1,000 feet east of the intersection with Burdette Road, Bethesda Chevy-Chase
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CARRIER/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Final Forest Conservation Plan, subject to revised conditions, and adopted the submitted Resolution.**

Planning Department staff discussed the proposed amendments to the Forest Conservation Plan (FCP) for Holton Arms School in response to a violation. The applicant, Holton Arms School, occupies 58.5 acres on River Road and has been subject to a number of FCP amendments. The current FCP establishes 26.25 acres of conservation easements, and the proposed amendments would address a number of maintenance and encroachment issues, allow design changes, provide environmental enhancements, and improve clarity of signage for the easement areas. This would be accomplished by abandoning some easement areas and replacing them with new on-site easements with mitigation planting occurring at a 1:1 ratio. The proposal includes a net loss of less than one acre of onsite easement area, which would be mitigated by offsite planting at a 2:1 ratio. Issues that would be resolved by this amendment include encroachments from a sports field adjacent to an easement area, maintenance access for Washington Suburban Sanitary Commission (WSSC) personnel to a stream bank adjacent to an easement area, yard waste left by neighbors on easement areas, and an easement area in a parcel of land subject to an ownership dispute, which the applicant wants to abandon to allow them to settle the litigation.

Ms. Elsie Reid, attorney representing the applicant, briefly discussed the proposed request and concurred with the staff recommendation.

Ms. Rebecca Walker, attorney representing the applicant's abutting neighbor, Mr. Eric Lichtblau, requested revision to a condition calling on the applicant to remove a retaining wall in an easement area along the property line, which would adversely affect Mr. Lichtblau's backyard.

There followed a brief Board discussion, and the Board suggested changing the condition to allow the wall to collapse on its own.

12. ~~Discussion Rural Open Space Policy~~ - **POSTPONED TO MAY 9**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

7. ~~Land Use Demographic Update~~ Update on the Round 8.2 Forecast - **ADDED (MOVED FROM MAY 9 AGENDA) / REVISED**

Staff Recommendation: Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed projected land use in Montgomery County.

Planning Department staff discussed recent updates to the Land Use Demographic projections through 2040. These updates reflect new job data from the Quarterly Census of Employment and Wages, and attempt to provide more details as to which job creation forecasts are related to specific development projects.

The Board asked whether the model accounted for the new jobs from the Food and Drug Administration (FDA) research center in the White Oak Area.

Staff explained that due to differences between Master Plan area boundaries and planning area boundaries, many of those jobs were being attributed to the adjoining Fairland region.

3. Program of Requirements- M-NCPPC Regional Headquarters

A Program of Requirements for a new M-NCPPC Regional Headquarters Building in Montgomery County. It establishes a building program for the Commission's regional operations in Montgomery County, which includes the Commissioners' office, Legal Counsels, the Planning Department, and part of the Department of Parks. It will be submitted to the County Council.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed Program of Requirements for the new M-NCPPC Regional Headquarters building in Montgomery County.

Park Development Division staff presented a Program of Requirements (POR) for the proposed new Montgomery County M-NCPPC Regional Headquarters Building in Wheaton. This POR reflects updating site and building requirements, and includes space for a new IT division and new positions in other departments. Staff noted that outside consultants studied employee parking needs and the possibility of an on-site daycare facility.

The Board discussed possible parking arrangements and various incentives to increase the number of employees who use non-auto alternatives to commute to work. The Board asked whether any of the other government agencies that would share the proposed building have completed their own space requirement analyses.

Staff informed the Board that the Department of Environmental Protection (DEP) and the Department of Permitting Services (DPS) have completed their own space requirement analyses but intend to retain additional office space at their current sites.