



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

301-495-4616

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, May 7, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:25 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre, Jean Cryor, and Amy Presley.

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 12:35 p.m.

During the lunch recess, the Board reconvened briefly to approve a bond sale recommended by the Secretary-Treasurer, reported as new Item 15 on the attached agenda, and to meet in Closed Session, new Item 16 on the agenda.

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 1:30 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Robinson, and Commissioners Alfandre, Cryor, 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 Counsel David Lieb of the Legal Department; Director Mary Bradford of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff on pending litigation.

The Closed Session was adjourned at 1:45 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:13 p.m. with all five Commissioners present.

Items 12, 14, 7-9, 13, and 10, taken up in that order, are reported on the attached agenda.

The Board recessed for dinner at 4:44 p.m. and reconvened in the auditorium at 7:05 p.m., with Chairman Hanson and Commissioners Alfandre and Presley present, to receive a briefing on Item 11, the George Washington University Capstone Study, as reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:25 p.m. The next regular meeting of the Planning Board will be held Thursday, May 14, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 7, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Resolutions

A. Mill Creek South, Preliminary Plan No. 11991069A, ADOPTION OF MCPB RESOLUTION No. 09-40 -POSTPONED

B. Small's Nursery - Preliminary Plan and Forest Conservation Plan No. 11994011B, ADOPTION OF MCPB RESOLUTION No. 09-44

C. Hillmead-Bradley Hills, Preliminary Plan No. 11991069A, ADOPTION OF MCPB RESOLUTION No. 09-40

D. Montrose Preliminary Plan No. 120061250, ADOPTION OF MCPB RESOLUTION No. 08-147

E. Clarksburg Village Phase II - Site Plan No. 820050410, ADOPTION OF MCPB RESOLUTION No. 09-24 –ADDED- POSTPONED

BOARD ACTION

Motion: **B. CRYOR/PRESLEY**
 C. CRYOR/PRESLEY
 D. CRYOR/PRESLEY

Vote:

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

Nay:

Other:

Action: **Adopted Resolutions B, C, and D, as submitted.**

2. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

3. Consent Items

Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity—Sectional Map Amendment

Staff recommendation: Approve filing of Sectional Map Amendment

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved filing of Sectional Map Amendment for the Wheaton Central Business District as per staff recommendation.**

4. Approval of Minutes

- Thursday, March 26, 2009
- Monday, March 30, 2009

BOARD ACTION

Motion: **PRESLEY/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Minutes of March 26 and 30, 2009, as presented.**

5. Worksession #10–White Flint Sector Plan

- A. Status of Implementation
- B. Design Guidelines

(No Public Testimony will be taken)

Planning Board Action/Decision: Discussion only, no vote taken.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received multi-media presentation from Vision/Community-Based Planning Division staff followed by Board discussion and questions to staff. Board members also provided guidance to staff regarding status of implementation, and design guidelines for the White Flint Sector Plan.

15. M-NCPPC Bond Sale--Added following publication of the agenda.

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the sale of \$8,405,000 Series LL-2 refunding Bonds and \$5,525,000 Project Bonds to M&T Bank for a true interest cost of 2.897%.

Secretary-Treasurer Patti Barney presented the bids for a proposed bond sale, noting that M&T Bank had the winning bid. She noted that the refunding realized savings over the life of the refunded bonds of \$716,222, of which \$447,884 is savings in Fiscal Year 2010.

16. Closed Session --Added following publication of the agenda.

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7), to consult with counsel to obtain legal advice – pending litigation.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Upper Paint Branch Stream Valley Park -ADDED

Authorization to acquire 51.72 acres, more or less, unimproved, from the Estate of Helen Elizabeth Erwin, located both east and west of Peach Orchard Road, north of Holly Spring Drive, Silver Spring, Maryland 20905, as a Legacy Open Space Natural Resource Protection Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to authorize acquisition for a purchase price of \$4,396,200 through the Legacy Open Space program.

Parks Department staff presented the proposed acquisition of approximately 52 acres as a Legacy Open Space Natural Resource Protection Area, as stated above.

Ms. Judy Koenick spoke in support of the acquisition.

14. FY 09 Budget Adjustment Report -ADDED

Staff Recommendation: Approval of the requests for FY09 Budget Adjustments

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by Parks Department staff, approved the requested reallocation/transfer of funds in the FY09 budget outlined in the staff report.

6. Fairland Development LLC Development Plan Amendment No. DPA- 09-01 and Forest Conservation Plan

[A. Preliminary Forest Conservation Plan for Development Plan Amendment DPA-09-01:](#) Fairland Development LLC, & Fairland Development II, LLC, applicant, South of Route 198 & East & North of Greencastle Road, Burtonsville

Staff Recommendation: Approval with Conditions

[B. Development Plan Amendment No: DPA-09-1:](#) Fairland Development LLC, & Fairland Development II, LLC, applicant, requests Development Plan Amendment for the removal of the golf course component and a change in the mix of single family units for approximately 314 acres of land located South of Route 198 & East & North of Greencastle Road, Burtonsville

Staff Recommendation: Approval

(Action required for hearing by the Hearing Examiner on 05/15/09)

BOARD ACTION

Motion: A. PRESLEY/CRYOR
B. ROBINSON/CRYOR

Vote:

Yea: A. 5-0

B. 5-0

Nay:

Other:

Action: A. Approved the staff recommendation to approve the preliminary forest conservation plan, subject to revised conditions, as stated in the attached Letter of Transmittal.

B. Approved the staff recommendation to approve the development plan amendment, including the requested waiver of the unit mix requirements, subject to revised conditions, further modifying the plan to remove the illustrative location of the trails from the binding elements, as stated in the attached Letter of Transmittal.

Development Review staff presented an overview of the previous rezoning and public/private development plan for a large golf course community that would straddle the Montgomery and Prince George's County line. The subject development plan amendment facilitates moving forward with residential development on the private land within Montgomery County, staff reported, and includes three associated development plan amendments: one for the private property and residential development, and two to separate out the public property and the golf course. Staff reviewed the residential plan, which proposes 365 dwelling units, including 46 moderately priced dwelling units (MPDUs), dedication of an elementary school site, and community amenities, as detailed in the staff report. Staff noted that the request for a waiver of the attached dwelling unit requirement of the PD Zone, which implements the dwelling unit objectives of the Fairland Master Plan.

6. Development Plan Amendment No. DPA- 09-01

CONTINUED

Environmental Planning staff reviewed the preliminary forest conservation plan, as detailed in the staff report, noting that there are 11 lots that may have wetlands or wetland buffer areas, and the proposed school site includes an area of forest retention. Staff distributed a revised list of conditions for the preliminary forest conservation plan.

Ms. Barbara Sears, attorney, introduced Mr. Bernie Rafferty of the applicant company, discussed the objectives of the previous project, and the many issues related to the subject property, including retention of forest, dedication of the school site, and working with the State on a reclamation plan for the stump dump.

Ms. Lisa Schwartz, representing the Department of Housing and Community Affairs, and Mr. Stuart Rochester, representing the ongoing Fairland Master Plan Citizens Advisory Committee, offered comments.

There followed considerable discussion of the various issues raised, with staff and the applicant providing additional information and responding to Board questions as needed.

7. [Site Plan Review No. 820080220, Naylor Property](#)

RT-8 zone; 2.0 acres; 12 one-family attached dwelling units; located on Greencastle Road, approximately 1,800 feet south of Robey Road; Fairland

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the site plan for 12 townhouses, as detailed in the staff report. Staff noted that the plan also protects a significant section of the stream valley buffer along the western portion of the site.

Mr. Al Blumberg and Mr. Bob LoPinto, representing the applicant, concurred in the staff recommendation.

8. [Preliminary Plan No. 11996019A, Winterset – Lot 46 \(Limited Amendment\)](#)

R-200 zone; 6.81 acres; 10 lots previously approved for 10 one-family detached residential dwellings; request to modify the forest conservation easement on existing Lot 46; located on Winterset Terrace, 600 feet east of Ambleside Drive; Potomac.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR RECUSED

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

Development Review staff presented the amendment to the preliminary plan to amend the final forest conservation plan, as detailed in the staff report, noting that the Board reviewed a previous amendment on April 2, 2009, and provided specific direction related to removing the Category I easement, creating a smaller Category II easement area, offsite plantings to compen-

sate for the loss of a portion of the easement, and a planting plan for canopy trees and screening. Staff reviewed the revisions made to the plan to comply with the Board's direction.

Mr. Steve Robins, attorney, and Mr. Ramiro Paez, the applicant were present.

Ms. Ginny Barnes, representing the West Montgomery County Citizens Association, offered comments.

There followed some discussion about issues related to enforcement of Category I conservation easements.

Commissioner Cryor recused herself from the discussion and action because she lives in the area.

9. Policy Area Mobility Review FY2010 Requirements -POSTPONED

Presentation to Board and discussion; required annually under Annual Growth Policy legislation. Present the year 2013 Policy Area Mobility Review (PAMR) analysis and results, including the FY 2010 PAMR trip mitigation requirements

Staff recommendation: Adopt FY 2010 PAMR mitigation requirements effective July 1, 2009

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

13. [Draft Supplemental Environmental Impact Statement \(SEIS\): U.S. Food and Drug Administration \(FDA\) Headquarters](#) -ADDED

2009 Master Plan Update, New Hampshire Avenue near Colesville Road, RE-2 Zone, White Oak Master Plan

Staff recommendation: Approval to transmit comments to NCPC

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: 5-0

Nay:

Other:

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

Vision/Community-Based Planning staff provided overview comments about the Draft Supplemental Environmental Impact Statement for the U.S. Food and Drug Administration Headquarters, as detailed in the staff report.

Ms. Eileen Finnegan of Silver Spring offered comments.

Transportation Planning staff provided comments about transit related to the project.

10. Roundtable Discussion

A. Commissioners' Reports

B. Director's Reports

C. County Council Activity

D. Operating Funds Nine Month Financial Report Including Projections to June 30, 2009

E. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2009 -

Removed

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

A. Commissioners' Reports—None.

B. Director's Reports—Director of Parks Mary Bradford highlighted several Parks events, including the receipt of a \$100,000 federal restoration grant for Uncle Tom's Cabin and the opening celebration for the Matthew Henson Trail scheduled this Saturday. Ms. Bradford noted that Congressman Van Hollen was an effective champion in securing the grant.

C. County Council Activity—No reports.

D. Operating Funds Nine Month Financial Report Including Projections to June 30, 2009—Parks Department staff provided a nine-month financial report including projections.

E. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2009—Removed from the agenda.

11. [George Washington University Capstone Study](#)

Report to the Planning Board on Carbon Mitigation at the Local Level. Recommendations on compliance with County Council Bill 34-07.

(No Public Testimony will be Taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received report and discussed.

Messrs. Danny McGrath, Zane Reynolds, Brian Rice, and Derek Jones, and Ms. Jessica Sedgwick, presented their report, “Strategies for Reducing Greenhouse Gas Emissions During Development and Redevelopment in Montgomery County, Maryland,” which was prepared as part of the Master’s in Public Policy program at George Washington University.

Environmental Planning/Green staff participated in the discussion.