



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 10, 2012, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:45 p.m.

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

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 9:05 a.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion, and with Commissioner Anderson absent. 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 Jared McCarthy of the Legal Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on pending litigation and voted to authorize the Chair to utilize discretion, in conjunction with the Prince George's Planning Board Chair, to waive privileges pertaining to the vehicle audit, except for the attorney-client privilege.

The Closed Session was adjourned at 9:35 a.m.

The Board reconvened in the auditorium at 9:45 a.m.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 1:58 p.m. for lunch and to take up Item 7 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 2:05 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion, and with Commissioner Anderson absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §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 one or more specific employees.

There were no others present for the Closed Session.

In Closed Session, the Board discussed Planning Department personnel issues.

The Closed Session was adjourned at 2:45 p.m.

Item 6, the sole item on the afternoon agenda, was postponed.

There being no further business, the meeting was adjourned at 2:45 p.m. The next regular meeting of the Planning Board will be held Thursday, May 17, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 10, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

8. 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.

1. Consent Agenda

***A. Adoption of Resolutions**

Olive Branch Community Church, Preliminary Plan 120110410 – MCPB No. 12-22

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Adopted the Resolution cited above.

***B. Record Plats**

1. [Subdivision Plat No. 220111200, 220111450 – 220111490, Clarksburg Village](#); R-200/TDR zone, 97 lots, 10 parcels; located at the intersection of Chestnut Branch Way and Newcut Road; Clarksburg Master Plan.

Staff Recommendation: Approval

2. [Subdivision Plat No. 220120580, North Bethesda Center](#); CR zone, 2 parcels; located at the intersection of Wentworth Place and Nebel Street; North Bethesda-Garrett Park Master Plan;

Staff Recommendation: Approval

3. [Subdivision Plat No. 220121070, Westgate](#); R-60 zone, 1 lot; located on the east side of Rodman Road, approximately 100 feet south of Keokuk Street; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved the Record Plats as stated 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 9, 2012

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **ANDERSON ABSENT**

Action: **Approved the minutes of April 9, 2012, as presented.**

2. Roundtable Discussion

- A. Parks Director's Report
- B. Format for Master Plan Worksessions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefings and provided comments.**

A. Parks Director's Report—Director of Parks Mary Bradford presented an overview of recent and upcoming parks-related events and activities, as detailed in her written report, including the appointment of Captain Antonio DeVaul to serve as interim Chief of the Park Police while the search for a new Chief is conducted following the retirement of former Chief Darien Manley. Ms. Bradford also reported on three awards to the Parks Department and the Commission: 1) the Little Bennett Regional Park day use area facility plan won a Traveling Award from the Potomac and Maryland Chapters of the American Society of Landscape Architects, the only public agency to win one of the 18 awards; 2) the M-NCPPC has been selected as a finalist for the 2012 National Gold Medal for Excellence in Park and Recreation Management by the National Recreation and Park Association, which means the Commission could win this prestigious award for a record-breaking sixth time; and 3)

and Park Development Division Project Manager Stephen Reid was named the 2012 James B. Coulter Award winner by the Maryland Department of the Environment, which recognizes a government employee who has gone above and beyond assigned duties to improve Maryland's environment, for his work on several projects, specifically the Maydale Conservation Park Stream Restoration Project.

B. Format for Master Plan Worksessions—Area II Division Chief Glenn Kreger presented a proposed format and approach for organizing and responding to public hearing testimony, framing the issues for the Board at worksessions, and recording decisions throughout the master plan worksession process. There followed some discussion of the proposed process. The Board endorsed the use of the proposed chart and also noted a desire to receive a briefing on master plan issues and preliminary recommendations before the staff draft is prepared, to provide an early opportunity for Board input, and to receive a summary of issues and recommendations, using the chart, both when the staff draft is presented for approval and release as the public hearing draft and at the beginning of the worksessions following the public hearing.

***3. [Sketch Plan No. 320120030, 11141 Georgia Avenue](#)**

Request for 160,560 square feet of density with approximately 200 units and up to 13,380 square feet of non-residential uses on 26,760 gross square feet, zoned CR6 C5.5 R5.5 H200; located at 11141 Georgia Avenue, Silver Spring in the Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval with Conditions and Approval of Resolution

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

Planning Department staff presented the sketch plan for a project to convert an existing 5-story office building into a 14-story mixed-use building with a total density of 160,560 square feet, as detailed in the staff report. The sketch plan proposes up to 200 residential units and up to 13,380 square feet of non-residential uses. Staff distributed and reviewed an addendum to the staff report that expands on the project's consistency with the sector plan goals and objectives, as well as a revision to the draft Board Resolution. Staff also reviewed in detail the public benefits table, discussing the specific benefits proposed in support of the requested incentive density, the maximum points in each category, and the method of calculating the points. Staff responded to questions from the Board about the public benefits categories and points assigned, and noted that the final number of points is assigned at site plan.

Ms. Stacy Silber, attorney representing the applicant, elaborated on the proposed project, noting that the amount of commercial uses will be finalized at site plan. Mr. Joe Carroll of the applicant company also discussed the anticipated commercial uses.

Mr. Steven Morrison of Silver Spring offered comments.

There followed some discussion of the sector plan recommendations and public benefits.

Legal Counsel to the Board proposed an additional revision to the draft Board Resolution, which was accepted by the Board.

4. Bel Pre Elementary School Modernization

***A. Amendment to Final Forest Conservation Plan MR2006502;**

East side of Rippling Brook Lane, south of Bel Pre Road, R-150 and R-200 Zone, Aspen Hill Master Plan

Staff Recommendation: Approval with Conditions and Approval of Resolution

B. Mandatory Referral MR2012008; East side of Rippling Brook Lane, south of Bel Pre Road, R-150 and R-200 Zone, Aspen Hill Master Plan

Staff Recommendation: Approval and Transmit Comments

BOARD ACTION

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

Vote:

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

Nay:

Other: ANDERSON ABSENT

Action: A. Approved the staff recommendation to approve the final forest conservation plan, subject to conditions, and adopted the attached Board Resolution.

B. Approved the staff recommendation to approve the mandatory referral and transmit comments, as stated in the attached Letter of Transmittal.

Planning Department staff presented the final forest conservation plan and mandatory referral review for the proposed modernization of the Bel Pre Elementary School, as detailed in the respective staff reports. The site is significantly constrained by environmental features, including steep slopes, environmental buffers, forest, and wetlands. With the exception of a gymnasium constructed in 2006, the original single-story building will be demolished and the new two-story building will be constructed in the existing footprint. The proposal also includes reconfiguration of the parent and bus drop-off areas and additional parking. Staff reported that the proposed front parking facility does not comply with the front setback requirements, providing 28 feet, rather than 40 feet. To comply with the requirement, ten parking spaces would have to be removed. Since moving the parking facility is infeasible due to the environmental constraints, staff recommends additional landscaping for screening of the parking. Staff proposed several revisions to the forest conservation plan conditions, to be reflected in the draft

Resolution, noting that although the property was never brought into compliance with the original forest conservation plan, this amendment to the plan brings the property into compliance.

There followed some discussion of the failure to comply with the forest conservation plan and enforcement of forest conservation requirements for public projects.

Mr. Daniel Collier of Baywood Court; Mr. Shan O'Keefe of Baywood Court; Ms. Mary Jo Gallagher of Bluehaven Court; Mr. Carlos Fonseca of Bluehaven Court; Mr. Steven Morrison of Vintage Lane; and Mr. Robert Burley of Rippling Brook Drive offered comments.

There followed discussion of issues raised in testimony related to possible removal of a fence and trees along the property line, including trees on adjoining properties.

***5. Preliminary Plan Review No. 120110260, Country Club Village**

Resubdivision proposing two lots for two one-family detached units, R-60 zone, 0.49 acres, located at 6311 Wynkoop Boulevard, approximately 350 feet south of its intersection with Winston Lane, Bethesda Chevy-Chase Master Plan

Staff Recommendation: Denial

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved the staff recommendation to deny, as stated in the attached Board Resolution.

Planning Department staff presented the proposed resubdivision to create two residential lots with driveways, as detailed in the staff report. Due to the extent of the environmental constraints on the property, including high-priority forest coverage, steep slopes, and highly erodible soils, staff recommends denial of the plan under the provisions in the Subdivision Regulations related to environmentally sensitive areas and because the plan does not demonstrate substantial conformance with the recommendations in the master plan. Staff finds that the property could support one residential lot, but not two. Staff elaborated on the environmental features, the environmental guidelines, the master plan recommendations, and the requirements under the forest conservation law.

There followed considerable discussion of the environmental features of the site and possible alternate development scenarios.

Mr. David McKee, the applicant's engineer, offered a multi-media presentation and elaborated on the arguments in his submitted letter of May 7, 2012, rebutting the conclusions in the staff report.

Mr. Andrew Garrett, Mr. Michael Lemov, and Mr. Henry Hamburger, of Wynkoop Boulevard; and Ms. Sharon Squassoni, and Ms. Karen Ronne Tupek, of Wynkoop Court, offered comments.

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

6. [Subdivision Staging Policy: 2012 Draft Transportation Policy Area Review Worksession #2](#) - POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.