



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 20, 2010, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:55 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre, Norman Dreyfuss, and Amy Presley.

Items 1 through 8 are reported on the attached agenda.

The Board recessed for lunch at 12:30 p.m. and to take up Item 10, a Closed Session item to discuss the performance evaluation of the Planning Department Director. This item was not covered by a Technical Writer.

Item 9, a Closed Session item was postponed.

The Board reconvened in the auditorium at 2:19 p.m. with four commissioners present. Commissioner Dreyfuss left for the day following the morning session.

Items 11-13 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:55 p.m. The next regular meeting of the Planning Board will be held Thursday, May 27, 2010, 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 20, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

The Hunt Club (Lee Property) Subdivision Plat No. 220100550 - ADOPTION OF MCPB RESOLUTION No. 10-54

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted Board Resolution cited above.

***B. Records Plats**

1. Subdivision Plat No. 220100140, Avery Lodge

RE-2 zone, 1 lot; located on the east side of Avery Road at the intersection with Southlawn Drive; Upper Rock Creek.

Staff Recommendation: Approval

2. Subdivision Plat No. 220100700, American University Park - REMOVED

R-60 zone, 1 lot; located on the west side of Park Avenue, 300 feet north of Western Avenue; Bethesda-Chevy Chase.

Staff Recommendation: Approval

3. Subdivision Plat No. 220100710, Olney Acres

RE-2 zone, 1 lot; located on the south side of Bready Road, 900 feet east of Bowie Mill Road; Olney.

Staff Recommendation: Approval

4. Subdivision Plat No. 220100760, Piney Spring

RE-2 zone, 1 lot; located on the east side of Piney Meetinghouse Road, 700 feet north of Front Field Lane; Potomac.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Record Plats cited above.

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items submitted for approval.

***D. Approval of Minutes**

Minutes of April 15, 2010

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved Minutes of April 15 as presented.**

2. Present Proposed Fee Schedule for the Department of Parks

Discuss fee increases for the Enterprise Division, Park Permits and the nature centers.

Staff Recommendation: Approval

BOARD ACTION

Motion: **HANSON/PRESLEY**

Vote:

Yea: **3-2**

Nay: **ALFANDRE, DREYFUSS**

Other:

Action: **Approved staff recommendation to increase Parks Department services fees, including the addition of an application and process fee for public/private partnership proposals, and a fee increase to \$5 for use of athletic fields in the parks.**

Parks Department staff discussed the proposed fee increases for the Enterprise Division, Park Permits, and for the Nature Centers.

The following speakers offered testimony: Ms. Elisabeth Deal and Mr. Ken Bradford of Olney Laytonsville Road and representing the Olney Boys & Girls Community Sports Association; Mr. Richard Myles of Hungerford Drive and representing the Washington Chiefs Youth Service Organization; and Mr. Doug Schuessler of Standish Place and representing Montgomery Soccer Inc. (MSI).

There followed extensive Board discussion with questions to staff and the speakers.

3. Hearing and Worksession No. 2: Silver Spring Greenspace

Staff Recommendation: Review Testimony and Approve Guidelines for Final Publication

BOARD ACTION

Motion: **DREYFUSS/WELLS-HARLEY**

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Greenspace guidelines for final publication.

Development Review and Urban Design and Preservation staff offered a multi-media presentation of the draft Silver Spring Greenspace report. Staff noted that the Board is asked to review the testimony received and approve the proposed guidelines as described in the report.

The following speakers offered testimony: Ms. Kay Weston of Eastern Avenue; and Mr. Arnold Kohn of Tower Oaks Boulevard and representing the Tower Companies.

There followed extensive Board discussion with questions to staff and the speakers.

4. Development Plan Amendment No: DPA-10-3, Shangrila Limited Partnership

Applicant requests Development Plan Amendment to operate a “Private Educational Institution” in the MXN Zone, located at 14426 Traville Gardens Circle, Rockville

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the proposed Development Plan Amendment.

Development Review staff presented the Development Plan Amendment (DPA) request to operate a “Private Educational Institution” on a property located on Traville Gardens Circle in Rockville. Staff recommended that the DPA not go for approval to the Hearing Examiner as there is no controversy and no public opposition.

There followed a brief Board discussion with questions to staff.

5. Preliminary Plan 11992012A, Piney Glen Farms – Lot 20 (Limited Amendment)

RE-2 zone; 2.16 acres; 1 existing lot containing 1 one-family detached residential dwellings; request to modify the approved forest conservation easement on the property; located on Albermyrtle Drive, 500 feet west of Piney Meetinghouse Road; Potomac Subregion.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation, subject to revised conditions discussed during the meeting, and as stated in the attached Board Resolution.

Development Review and Environmental Planning staff presented the request to modify the approved forest conservation easement on a one-family detached residential dwelling located on Albermyrtle Drive in Potomac. Staff discussed the applicant’s proposed request and previous encroachment issues. Staff recommended that the applicant provide planting at a two-to-one mitigation ratio off-site for the forest conservation easement.

Ms. Ginny Barnes of Glen Road and representing the West Montgomery County Citizens Association offered testimony.

There followed a brief Board discussion with questions to staff.

6. Lower Booze Creek Stream Restoration Project Forest Conservation Plan

MR2008901, Montgomery County DEP is proposing a stream restoration project along the lower Booze Creek between River Road and Cabin John Parkway

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Environmental Planning staff presented the request by the Montgomery County Department of Environmental Protection (DEP) proposing a stream restoration project along the lower Booze Creek between River Road and Cabin John Parkway. Staff noted that this is an overdue restoration.

At the Board's request, Messrs. Steven Shofar and Craig Carson of DEP offered comments.

Ms. Leslie Maitland of Helmsdale Road offered testimony.

There followed a brief Board discussion with questions to staff and the speakers.

7. Approved Great Seneca Science Corridor Master Plan - Montgomery County Planning Board Adoption of Resolution

Staff Recommendation: Approve Resolution of Adoption for Transmission to Full Commission

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Great Seneca Science Corridor Master Plan Resolution for transmission to The Maryland –National Capital Park and Planning Commission (Full Commission).

8. Sectional Map Amendment to Implement the Approved Great Seneca Science Corridor Master Plan

Staff Recommendation: Approval to File a Sectional Map Amendment (SMA) to Implement the Recommendations of the Approved Great Seneca Science Corridor Master Plan

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to file a Sectional Map Amendment to implement the recommendations of the Approved Great Seneca Science Corridor Master Plan.

9. Closed Session - POSTPONED

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

10. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article Section 10-508(a)(1) (to discuss the performance evaluation of an employee)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Performance Review of Planning Department Director by Planning Board. This Item was not covered by a Technical Writer.

11. Montgomery College - Germantown Campus, Germantown

***A. Preliminary Forest Conservation Plan:** Montgomery County College, Germantown Campus. West of I-270 and between Germantown and Middlebrook Roads, I-3 Zone, Germantown Master Plan.

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2009720-M-1 and Mandatory Referral No. 2010712-M-1: BioScience Building and Roadway, Located east of I-270 between MD 118 and Middlebrook Road, I-3/R-60 Zones, Germantown Sector Plan, and Child Care Center, Located east of I-270 between MD 118 and Middlebrook Road, I-3/R-60 Zones, Germantown Sector Plan

Staff Recommendation: Approval and Transmit Comments

BOARD ACTION

**Motion: A. ALFANDRE/PRESLEY
B. WELLS-HARLEY/PRESLEY**

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

Nay:
Other: DREYFUSS ABSENT

**Action: A. Approved the staff recommendation to approve the preliminary forest conservation plan, subject to conditions, as revised in discussion to include a “modified” Category I conservation easement, as detailed in the attached Board Resolution.
B. Approved the staff recommendation to approve the mandatory referrals and transmit comments, as stated in the attached Letter of Transmittal.**

Environmental Planning staff and Urban Design staff presented, respectively, the preliminary forest conservation plan and mandatory referral reviews for the Montgomery College Bioscience Building and Childcare Center at the Germantown campus, as detailed in the staff reports. Environmental Planning staff noted that there is one forest conservation plan for the entire campus. The campus has large sections of high-priority forest and the sector plan explicitly requires preservation of 46 acres, which is above the general requirements of the forest conservation law but becomes a requirement under the law because of the sector plan designation. Staff noted that the forest conservation plan identifies 2.88 acres less than the 46 acres to be preserved, and staff identified several options for meeting that requirement.

Mr. David Capp and Ms. Anne Martin, attorney, representing Montgomery College, discussed difficulties with preserving the additional 2.88 acres, particularly in relation to the option identified by staff to realign proposed Observation Drive. They also proposed a section as a conservation area, rather than a conservation easement, and they submitted proposed revisions to the staff conditions of approval. Dr. Hercules Pinkney, Montgomery College President, emphasized the need to move forward as quickly as possible.

There followed considerable discussion of options for identifying the remaining 2.88 acres for preservation, options related to the alignment of Observation Drive, and alternatives to a Category I conservation easement to allow uses for educational purposes within the easement. In addition, the Board and staff agreed to expedite the staff review and approval process for the *final forest conservation plan*.

12. Site Plan Amendment Review No. 82009017A, Safeway Store #2848 (Limited)

C-2 zone; 1.72 acres; amendment; to relocate a privacy wall from the Applicant's site to an easement on an adjacent property; located on 5000 Bradley Boulevard 50 feet west of Bradley Boulevard and Arlington Road; Bethesda CBD

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved the staff recommendation to approve, subject to conditions, as revised in discussion to eliminate the requirement to construct a wall and to increase the landscaped screening and the contribution to the homeowners association, as stated in the attached Board Resolution.

Development Review staff presented the site plan amendment to relocate a privacy wall required under condition 13 of the site plan approval, as detailed in the staff report. Staff noted that issues arose as the engineering for the wall progressed, primarily due to a grade differential

and possible structural impact on the adjacent Kenwood Forest townhouses related to the existing retaining wall. The applicant submitted the proposed revision to relocate the wall onto the Kenwood Forest property and, although the condominium association supports the proposal, a number of owners oppose locating the wall on their property. Staff noted that the proposed condition 13 allows flexibility for the parties to work out the issue of the location of the wall.

Mr. Robert Brewer, attorney representing the applicant; Ms. Renee Montgomery of Safeway; and Mr. Bill Howe, the engineer, concurred in the staff recommendation. Ms. Montgomery said that Safeway submitted the amendment at the request of the Kenwood Forest Condominium board, but will construct the wall on Safeway property, if the Board prefers. Mr. Howe made a detailed presentation of the existing and proposed walls.

Ms. Peggy Dugan, representing the Kenwood Forest Condominium Association; Mr. Christopher Hitchens, attorney representing the Kenwood Forest Condominium Association; Mr. Andrew Mamantov, Ms. Irina Mamantov, Ms. Barbara Morris, and Ms. Barbara Sorkin of Kenwood Forest Lane; and Ms. Shelly Weinstein, representing the Kenwood Forest Homeowners Group, offered comments.

There followed considerable discussion of various aspects of the different proposals for the wall and what the homeowners want. Noting that the construction of the wall was required as screening to benefit the homeowners association, and recognizing that the homeowners are divided on the issue of whether they want the new wall and where it should be, the Board expressed support for removing the requirement for the wall altogether.

In seconding the motion, Commissioner Presley asked, and Mr. Brewer proffered, in the spirit of being a good neighbor, to double the contribution to the homeowners association, and that proffer was incorporated into the revised condition.

13. Roundtable Discussion

- 1. Operating Funds Nine Month Financial Report Including Projections to June 30, 2010.
- 2. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2010.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received reports.

Finance Department staff and Parks Department Enterprise Division staff presented, respectively, the nine-month financial reports for the operating funds and the enterprise funds, including projections to June 30, 2010.

Following those reports, staff reported on the County Council action on the FY 2011 operating budget, including the Council's recommendation related to furloughs and changes due to the reconciliation process.