



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 22, 2014, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:43 p.m.

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

Items 1, 2, 3, 4, and 6 are reported on the attached agenda.

The Board recessed for lunch at 12:00 p.m. and to take up Items 7, 9, 10, and 11 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 in the 3rd floor conference room at 12:15 p.m., on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §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, Annotated Code of Maryland, State Government Article, §10-508(a)(1) to discuss a personnel matter, and Annotated Code of Maryland, State Government Article, §10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were M-NCPPC Executive Director Patti Barney and M-NCPPC Human Resources Director Bill Spencer of Central Administrative Services; General Counsel Adrian Gardner and Associate General Counsels Carol Rubin and Megan Chung of the Legal Department; Deputy Director Rose Krasnow of the Planning Department; Director Mary Bradford, Deputy Director Michael Riley, Bill Gries, and Joshua Kaye, of the Parks Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board discussed personnel matters, and received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed acquisition of parkland.

The Planning Board reconvened briefly in open session in the 3rd floor conference room, and reconvened in closed session to discuss Item 10.

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 in the 3rd floor conference room at 12:15 p.m., on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(1) to discuss a personnel matter.

There was no Technical Writer present at the Closed Session meeting.

The Closed Session meeting was adjourned at 12:50 p.m.

The Planning Board reconvened in the auditorium at 1:37 p.m.

Items 16, 12, 13, 14, 15, 17, 18, and 19, discussed in that order, are reported on the attached agenda.

The Planning Board went into Closed Session at 5:25 p.m. to discuss Item 19. Commissioner Dreyfuss left the meeting before the start of the Closed Session meeting.

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 5:25 p.m. in the auditorium, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, and Presley voting in favor of the motion, and Commissioner Dreyfuss absent. 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 the Closed Session were Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Mary Dolan, Katherine Nelson, and Richard Weaver of the Planning Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received advice from Legal Counsel to the Board regarding Item 18 - Guidelines for the development and operation of forest mitigation banks.

The Closed Session was adjourned at 5:36 p.m., and the Board reconvened in open session to continue discussion of Item 18.

There being no further business, the meeting was adjourned at 5:43 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 5, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison
Technical Writer

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, May 22, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Adoption of resolution
for AVA Wheaton Sketch Plan 320140020 – MCPB No. 14-24

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY TEMPORARILY ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220122040 (Revision), George Meany Center for Labor Studies

R-90 zone, 1 lot; located at the terminus of Powder Mill Road, 300 feet west of New Hampshire (MD 650); White Oak Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220130910, Washington-Rockville Industrial Park

I-4 zone, 1 lot; located on the west side of Parklawn Drive, 300 feet south of Wilkins Avenue; Twinbrook Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220131040, Jordan and Smith addition to Silver Spring

CBD-1 zone, 1 lot; located in the southwest quadrant of the intersection of Wayne Avenue and Fenton Street; Silver Spring CBD Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140350, Kensington Heights

RT-8 zone, 26 lots, 11 parcels; located on the south side of University Boulevard West (MD 193) at the eastern terminus of Findley Road; Wheaton CBD Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140390, George P. Sack's Subdivision

CBD-R2 zone, 1 lot; located in the southwest quadrant of the intersection of Miller Avenue and Wisconsin Avenue (MD 355); Bethesda CBD Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140560, New Birmingham Manor

RC zone; 1 lot; located in the northwest quadrant of the intersection of Sandy Spring Road (MD 198) and Riding Stable Road; Fairland Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140820, Beverly Farms

R-90 zone, 2 lots; located on the north side of Tuckerman Lane, approximately 1,000 feet west of Coldstream Drive; Potomac Subregion Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140900, Sunnyside

CBD-2 zone, 1 lot; located in the southeast quadrant of the intersection of Commerce Lane and Old Georgetown Road (MD 187); Bethesda CBD Sector Plan.

Staff Recommendation: Approval

Reservation Plat No. 220140980, Transit Related Parking

1 reservation parcel, located on the north side of Shawnee Lane, approximately 1,300 feet west of Frederick Road (MD 355); Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141080, Moxley Mill Manor

RDT zone, 1 lot; located on the north side of Kempton Road (MD 80), 300 feet east of Honeysuckle Drive; Damascus Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY TEMPORARILY ABSENT

Action: Approved staff recommendation for approval of the Record Plats cited above, as submitted.

***C. Other Consent Items**

1. 11141 Georgia Avenue, Site Plan Amendment 82012017A

Request to modify Condition No.11(b) regarding timing of providing certain on-site recreational amenities prior to the release of any use-and-occupancy permit. 0.614 acres, CR 6: C 5.5, R 5.5, H 200' Zone, located at 11141 Georgia Avenue, Silver Spring, approximately 200 feet south of Reddie Drive; within the 2011 Wheaton CBD and Vicinity Sector Plan.

Staff Recommendation: Approval with conditions and Adoption of Resolution

2. Park Potomac: Consent Site Plan Amendment No. 82004015K

Request to enlarge the gross floor area of Building D by 13,000 square feet and a reduction to the gross floor area of Building B by 13,000 square feet, sidewalk improvements, and minor changes to the Landscape Plans, located northwest of the intersection of Montrose Road and I-270, approximately 20.28 acres, I-3 Zone, Potomac Sub-region Master Plan

Staff Recommendation: Approval with conditions and Adoption of Resolution

3. Corrected Resolution - Saul Centers White Flint Sketch Plan 13201400, MCPB No. 14-20

Staff Recommendation: Adoption of Corrected Resolution

BOARD ACTION

Motion: 1. ANDERSON/WELLS-HARLEY
 2. ANDERSON/WELLS-HARLEY
 3. DREYFUSS/WELLS-HARLEY

Vote:
Yea: 1. 4-0
 2. 4-0
 3. 3-0

Nay:

Other: ANDERSON ABSTAINED ON #3
 PRESLEY TEMPORARILY ABSENT

Action: 1. 2. & 3. Approved staff recommendation for approval of the Other Consent Items cited above, and adopted the submitted Resolutions.

***D. Approval of Minutes**

- Planning Board Meeting Minutes of May 1 and May 8, 2014

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:
Yea: 4-0

Nay:

Other: PRESLEY TEMPORARILY ABSENT

Action: Approved Planning Board Meeting Minutes of May 1 and May 8, 2014, as submitted.

***2. White Oak Property: Preliminary Plan and Site Plan Amendments**

A. Preliminary Plan Amendment No. 11991099A: Request to add 3.04 gross acres of land to construct 22 townhomes, including a minimum of 15% MPDUs, and associated improvements. Located on Stewart Lane, approximately 350 feet east of the intersection with Lockwood Drive; 29.34 acres, R-90 Zone, 1997 White Oak Master Plan.

Staff Recommendation: Approval with conditions and Adoption of Resolution

B. Site Plan Amendment No. 82005018C: Request to add 3.04 gross acres of land to construct 22 townhomes, including 4 MPDUs, and associated improvements. Located on Stewart Lane, approximately 350 feet east of the intersection with Lockwood Drive; 29.34 acres, R-90 Zone, 1997 White Oak Master Plan.

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

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

Vote:

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

Nay:

Other:

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

B. Approved staff recommendation for approval, subject to revised conditions, as discussed during the meeting, and as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a 3.04-acre property located on Stewart Lane in the White Oak Master Plan area. The applicant is requesting approval to amend the approved preliminary plan in order to build 22 additional townhomes, which will include four Moderately Priced Dwelling Units (MPDUs). Nine additional parking spaces would be added to accommodate the additional units. Staff stated that the applicant will plant 0.15 acres of forest, which will be placed in a Category 1 easement, as compensation for an easement removal in another area of the subject property, and to satisfy the Forest Conservation requirement. The applicant has also applied for a tree variance for the removal of five trees that are located directly adjacent to the

developable area of the project site. Staff also discussed County regulatory guidelines, stating that stormwater management plans for the project have been approved by the Department of Permitting Services (DPS), and also discussed concerns raised by the residents including the loss of open space, loss of existing home values, traffic safety during project construction, visitors parking, and design compatibility.

***2. White Oak Property: Preliminary Plan and Site Plan Amendments**

CONTINUED

The Planning Board discussed architectural compatibility and parking accommodations for the proposed development.

Mr. Clark Wagner, the applicant, offered comments, answered questions from the Board, and concurred with the staff recommendation.

Mr. Timothy Fowler and Mr. Lee Cohen representing the Executive Committee of Whitehall Square Homeowners Association (HOA) offered testimony and answered questions from the Board.

Mr. Jerry Connelly, a member of the applicant’s team, offered comments regarding contract disclosures.

There followed extensive Board discussion and questions to staff and the applicant.

***3. Longacres Preserve: Preliminary Plan Amendment No. 11998077B**

Request to resubdivide Lot 10 and Outlots A, B, C to create eight (8) lots; located at the western terminus of Longacres Preserve Court approximately 1,800 feet southwest of the intersection of River Road and Long Acres Longacres Preserve Court; 17.88 acres; RE-2 zone; Potomac Sub-region Master Plan (2002).

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a 17.88-acre property located south of River Road, at the western terminus of Longacres Preserve Court in the Potomac Sub-region Master Plan area. The applicant is requesting approval to re-subdivide the subject property into eight lots. An existing house and accessory structure located on the property will be

removed, and Longacres Preserve Court would be extended as a private cul-de-sac. Staff stated that the applicant has submitted a revised Final Forest Conservation Plan (FFCP), which includes the relocation of 0.27 acres of the previously approved Category 1 Conservation Easement to satisfy a right-of-way dedication requirement along Pennyfield Lock Road. The proposed re-subdivided lots will be of the same character as existing lots in the neighborhood with respect to lot frontage, alignment, size, and shape. The Montgomery County Department of Permitting Services (DPS) approved the proposed stormwater management plan for the project on December 11, 2012.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

***4. Cabin Branch Infrastructure Plan: Site Plan Amendment No. 82005015E**

Site Plan and Final Forest Conservation Plan Amendment to modify two culverts and the associated wetland mitigation areas, located along West Old Baltimore Road between MD 121 (Clarksburg Road) and I-270, MXPB and RMX-1/TDR Zones, Clarksburg Master Plan

Staff Recommendation: Approval with conditions and Adoption of Resolutions

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed the proposed site plan amendment and Forest Conservation Plan (FCP) amendment for the Cabin Branch Infrastructure Plan located along West Old Baltimore Road between MD 121 and I-270. The applicant is requesting approval to modify two culverts and the associated wetland mitigation areas. The wetland mitigation site is primarily located within open space areas of the stream valley buffer. Staff stated that the total area of forest loss for the project is 8,620 square feet with a majority of the loss associated with Culvert 2, which is located on Maryland-National Capital Park and Planning parkland, a portion of Black Hills Regional Park. The applicant is also requesting a tree variance for the removal of four trees on the development site.

Following inquiry from the Planning Board, staff stated that once the culverts have been installed, the existing West Old Baltimore Road would be reinstated in its current location with no realignment or acquisition of privately owned property.

Mr. Bob Harris, attorney representing the applicant, offered comments, and concurred with the staff recommendation.

Ms. Susan Franyo, a member of the applicant’s team, offered comments regarding the Montgomery County Department of Permitting Services (DPS) requirement to replace the culverts.

The following speakers offered testimony: Mr. Tom Linthicum of Old Georgetown Road; and Mr. James Clifford, attorney representing the Miller family, abutting property owners.

The Planning Board extensively discussed proposed installation of culverts in regards to the final alignment of West Old Baltimore road, and the acquisition of privately owned property subject to the necessary approval or grant of easements.

Legal Counsel to the Board provided language to be included in the Resolution in regards to the proposed culvert improvement, and the impact of potential future plans to align West Old Baltimore Road.

~~Item *5. **Wayside Elementary School Revitalization and Modernization**~~

~~A. Preliminary Forest Conservation Plan MR2014029 MCPS 1: Wayside Elementary School Revitalization and Modernization~~

~~10011 Glen Road, Rockville, Potomac Subregion Master Plan~~

~~**Staff Recommendations: Approval with conditions**~~

~~B. Mandatory Referral No. 2014029 MCPS 1: Wayside Elementary School Revitalization and Modernization~~

~~10011 Glen Road, Rockville, R-200 Zone, Potomac Subregion Master Plan~~

~~**Staff Recommendations: Approval and transmit comments to MCPS – POSTPONED**~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Clarksburg 10 Mile Creek Limited Amendment: Sectional Map Amendment: Permission to File

Staff Recommendation: Transmit to County Council

BOARD ACTION

Motion:

ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit the Sectional Map Amendment to the County Council, as stated in the attached transmittal letter.

Planning Department staff briefly discussed the Sectional Map Amendment (SMA) for the Clarksburg Master Plan and Hyattstown special study area, providing a filing timeline, and stated that the County Council has tentatively scheduled a public hearing for the SMA sometime in July. Staff also stated that the SMA submittal would require a written recommendation from the Planning Board for the Council's consideration during their deliberations. Staff will present the Council's recommendations to the Planning Board in the coming weeks.

7. CLOSED SESSION

Pursuant to State Government Article, Annotated Code of Maryland §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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. ~~CLOSED SESSION~~

~~Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto (Wheaton) -~~ **POSTPONED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

9. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss personnel matters (Montgomery Parks Foundation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. CLOSED SESSION

Pursuant to State Government Article 10-508 (a)3 to consider the acquisition of real property for a Commission purpose and matters directly related thereto (Little Bennett Regional Park)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1)(ii) to discuss a personnel matter

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

16. Washington Gas Pipeline No. 27 Main Relocation

A. Final Forest Conservation Plan MR2014041: Washington Gas Pipeline No. 27

Approximately 3.3 miles of new 12-inch gas distribution line within the existing Washington Gas easement; includes replacement of an existing pipeline, temporary access pathways and staging areas, clearing, and stream stabilization; located from 830 feet southwest of the ICC (Intercounty Connector) to MD 108 (Olney Laytonsville Road), Olney and Upper Rock Creek Master Plan Areas

Staff Recommendation: Approval with conditions and Adoption of Resolution

B. Mandatory Referral 2014041: Washington Gas Pipeline No. 27

Approximately 3.3 miles of new 12-inch gas distribution line within the existing Washington Gas easement; includes replacement of an existing pipeline, temporary access pathways and staging areas, clearing, and stream stabilization; located from 830 feet southwest of the ICC (Intercounty Connector) to MD 108 (Olney Laytonsville Road), Olney and Upper Rock Creek Master Plan Areas

Staff Recommendation: Approval to transmit comments to Washington Gas

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to conditions, of the proposed final Forest Conservation Plan for Washington Gas Pipeline No. 27 relocation and replacement, in conjunction with the proposed Mandatory Referral request, and adopted the submitted Resolution.**

B. Approved staff recommendation to transmit comments to Washington Gas regarding the proposed Mandatory Referral request for Washington Gas Pipeline No. 27 relocation and replacement.

Planning Department staff offered a multi-media presentation and discussed the mandatory referral request for the relocation of Washington Gas Pipeline No. 27. In order to meet the requirements of the gas distribution pipeline integrity management requirements under the Pipeline Safety Improvement Act of 2002, Washington Gas is planning to install approximately 3.3 miles of new 12-inch gas distribution line within the existing Washington Gas

16. Washington Gas Pipeline No. 27 Main Relocation

CONTINUED

easement to replace the existing 20-inch main, temporary access pathways and staging areas, clearing, and stream stabilization, on the site located 830 feet southwest of the Inter County Connector (ICC) to MD108 in the Olney and Upper rock Creek Master Plan areas. Staff noted that the proposed project will include the restoration of four tributary crossings within M-NCPPC Park property, and will take approximately four to six months to complete, before the winter heating season. Staff also discussed the Forest Conservation Plan (FCP) and noted that the County Arborist's recommendations have been reviewed by staff and supports staff's recommendation for approval. The project is subject to the Montgomery County forest Conservation law and covers 14.31 acres in size and contains 2.55 acres of forest. Parks Department staff is working with Washington Gas to minimize the impact of the proposed project on existing parkland and forest. Parks staff has issued a separate letter to Washington Gas discussing their position and requirements/conditions of approval of a final FCP for the project.

Ms. Hillery Kelly, and Messrs. Brendon Gamble and Jeffrey Hicks of Washington Gas offered a multi-media presentation and answered questions from Board members.

12. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Parks Director's Report – Parks Department Director Mary Bradford briefed the Board on the latest Parks Department's activities: Flooding in the parks due to last week heavy rainfall and on-going cleanup and maintenance problems, Park Police arrest of a rape suspect in Northwest Branch Trail, a number of high-level staff leaving the Department of Parks, celebration of the completion of phase I of the Warner Manor Rehabilitation project, Brookside Gardens certification as a 2014 Maryland Green Center by the Maryland Association for Environmental and Outdoor Education, and volunteers from Elysian Energy Co. and Marriott Hotel clean up of invasive species in the parks

Ms. Bradford noted that this is her last report as Parks Department Director before her retirement this upcoming June. Ms. Bradford offered some suggestions regarding parks management, how to seek funding for the many deteriorating historic structures on park property, figuring out more and better ways to go green in the parks operations, and building advocacy for parks.

13. Budget Transfer Request from the Department of Parks

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed budget transfer discussed below.

Parks Department staff briefly discussed the request to transfer \$658,900 from the Personnel Services to Other Services & Charges to be applied to technology maintenance and upgrades, Park Police vehicles and equipment maintenance, and administrative support.

14. FY14 Capital Budget Transfer for the Montrose Trail Project

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed FY14 Capital Budget transfer for the Montrose Trail project.

Parks Department staff briefly discussed an FY14 Capital Budget transfer request of \$86,767.38 for the Montrose Trail project. Staff noted that the source of funds, which will be all GO bonds, will come from two other trail projects, i.e., the Matthew Henson project, and the Natural Surface Trails project.

15. Ovid Hazen Wells Recreational Park Master Plan – Issues and Outreach Report:

Staff will present the issues heard to date from the public and will present and outreach strategy and date for the public meeting for the Planning Board to approve.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed Ovid Hazen Wells Recreational Park Master Plan objectives, proposed schedule, and proposed outreach strategy, discussed at the meeting.

Parks Department staff offered a multi-media presentation and discussed the issues expressed by the public to date, the proposed outreach strategy, and the proposed date for the Planning Board public hearing for the Ovid Hazen Wells Recreational park Master Plan. Staff noted that the major focus of the update is to develop a concept plan and Preliminary Program of Requirements (PPOR) for a family destination area which will include the carousel that is currently in Wheaton Regional Park, to determine whether the future Clarksburg Community Recreation and Aquatic Center could be located in the park, and to develop a general concept plan for the central and western areas of the park. Staff also discussed the proposed schedule for the community outreach meetings, and the timeline for the Planning Board public hearing meeting, worksessions, and approval of the Master Plan.

17. National Institutes of Health (NIH)

2014 Draft Environmental Impact Statement for the Proposed 2013 Master Plan National Institutes of Health Bethesda Campus which was reviewed without the DEIS as MR No. 2013005 on 10-18-12. Bethesda Chevy-Chase Master Plan.

Staff Recommendation: Approval to Transmit Comments to the National Institutes of Health per the provisions of the National Environmental Policy Act

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the National Institutes of Health (NIH) in Bethesda, per the provisions of the National Environmental Policy Act, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and noted that this is a review of the Draft Environmental Impact Statement (DEIS) for the new master plan for the National Institutes of Health (NIH) Campus in Bethesda. This federal facility is located on Wisconsin Avenue and is the largest employer in Montgomery County with 20,262 of its workers located at this Bethesda campus. The campus is 310 acres located within the Bethesda-Chevy Chase Master Plan area, and NIH

is planning to hire 3,000 more workers during the timeframe of this new master plan. On March 11, 2014, NIH released a draft DEIS outlining the existing conditions, proposed environmental impacts, and restoration measures for three alternatives for the campus master plan. Staff is asking the Planning board to provide comments per the provisions of the National Environmental Policy Act during a required public comment consideration by NIH in the preparation of their final Environmental Impact Statement. Staff noted that the Planning board previously reviewed a draft master plan in 2012 before the DEIS was available for review, based on one of the three alternatives, i.e., “Proposed Action,” which was approved by the US Department of Health and Human Services. At the time, the Planning Board understood that its comments would be taken into consideration in the preparation of all subsequent work. The selected alternative includes the following significant changes to the Bethesda campus: the consolidation of surface parking into new parking structures, the creation of more open space, the addition of workers coming from leased space in satellite locations, and the Chair’s signature providing NIH with the Board’s comments and recommendations.

There followed a brief Board discussion with questions to staff.

18. Forest Mitigation Banking

- Guidelines for the development and operation of forest mitigation banks

Staff Recommendation: Approve Guidelines

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the proposed Forest Mitigation banking guidelines as discussed during the meeting.**

Planning Department staff briefed the Board on the proposed guidelines for the development and operation of forest mitigation banks. Staff noted that forest banks have been part of the forest conservation program since its inception. Chapter 22A-13 identifies the information needed to create banks where banks can be created, and how credits are expended. Forest banks are necessary since many development projects are unable to meet their planting requirements on the development site. Banks provide the opportunity to meet requirements in an off-site location within the County. The Planning Department administers this program by approving bank locations and approving transactions between developers and bank owners. To date, over 30 forest banks totaling over 800 acres have been created as part of this program. Staff has undertaken a review of certain forest conservation bank policies, which have evolved over time and need to be looked at comprehensively, and revised if necessary. The main issues are banks overlapping agriculture easements, change in bank ownership,

bank locations and quality criteria, condition of banks during active phase, and banks created by a Forest Conservation Plan. The County code sets the framework for the bank mitigation program; however, several existing policies, as well as new policies have recently been debated among staff and the guidelines, as discussed during the meeting.

Legal Counsel to the Board clarified the rights of a new owner to participate in the forest mitigation bank in the case of a property sale.

At the Board's request, Parks Department staff offered comments.

The following speakers offered testimony: Mr. Dusty Rood of Rodgers Consulting; Mr. Stuart Barr, attorney from Lerch, Early & Brewer, and representing property owners of Our House and Clarkewood LLC; Ms. Rebecca Walker, attorney from Miles and Stockbridge, PC; Mr. Alden English of Emory Church Road and representing Sandy Spring Volunteer Fire Department (VFD); and Mr. Vincent Bert of Moccasin Lane.

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

19. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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