



**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 26, 2011, at 9:12 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:10 p.m.

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

Items 1, 2, 5, 4, and 6, taken up in that order, are reported on the attached agenda.

The Board recessed at 12:18 p.m. for lunch and to take up Item 12 in Closed Session. Closed Session Item 9 was cancelled.

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 12:40 p.m. in the third floor conference room, on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Dreyfuss present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(9), State Government Article, Annotated Code of Maryland, to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Executive Director Patti Barney; Human Resources Director Bill Spencer; Director Rollin Stanley, Alison Davis of the Planning Department; Director Mary Bradford, Deputy Directors Michael Riley and Gene Giddens, and Mary Ellen Venzke of the Parks Department; Park Police Chief Darien Manley; consulting attorney Craig Ballew; and Clara Moise of the Commissioners' office.

In Closed Session, the Board received briefing and provided guidance to staff on matters related to collective bargaining negotiations with the Unions.

The Closed Session was adjourned at 1:20 p.m.

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

Items 10, 3, and 11, taken in that order, are reported on the attached agenda.

Items 7 and 8 were postponed.

There being no further business, the meeting was adjourned at 3:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 2, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, May 26, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Mid-Pike Plaza Sketch Plan No. 320110010 - ADOPTION OF MCPB RESOLUTION No. 11-05
2. North Bethesda Market II Sketch Plan No. 320010030 – ADOPTION OF MCPB RESOLUTION No. 11-07
3. North Bethesda Gateway Sketch Plan No. 320110020 – ADOPTION OF MCPB RESOLUTION No. 11-06
4. Respondent: Johnson– Order – ADOPTION OF MCPB RESOLUTION No. 11-44
5. Respondent: Pirtle-Order – ADOPTION OF MCPB RESOLUTION No. 11-43

**BOARD ACTION**

**Motion:**                    **WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea:**                    **3-0**

**Nay:**

**Other:**                **ALFANDRE, PRESLEY ABSENT**

**Action:**                **Adopted items 4 and 5, Resolutions 11-44 and 11-43, as stated above.**

Chair Carrier removed the three White Flint Sketch Plan Resolutions (#1-3, above) from the Consent Agenda, postponing them until all five Planning Board members are present to review and vote on whether to adopt them as drafted. She noted that these are important resolutions, as they commemorate the Board’s actions on the first sketch plans to be reviewed under the CR Zone.

**\*B. Record Plats**

**1. Subdivision Plat No. 220081810 – 220081950, Preserve at Rock Creek**; RNC zone; 186 lots, 40 parcels, 1 outlot; located on the east side of Muncaster Mill Road (MD 115), approximately 3,000 feet south of Bowie Mill Road; Upper Rock Creek.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220081800, Montgomery Hospice**; RE-1 zone; 1 parcel; located in the southeast quadrant of the intersection of Muncaster Mill Road (MD 115) and Bowie Mill Road; Upper Rock Creek.

*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220110460, Bradley Ridge**; RE-2 zone; 1 parcel; located in the northeast quadrant of the intersection of River Road (MD 190) and Bradley Boulevard (MD 191); Potomac.

*Staff Recommendation: Approval*

**4. Subdivision Plat No. 220110620, Grayrob**; R-60/TDR zone; 2 parcels; located on the south side of Montrose Parkway at the intersection of Montrose Park Place; North Bethesda/Garrett Park.

*Staff Recommendation: Approval*

**5. Subdivision Plat No. 220111020, West Chevy Chase Heights**; R-60 zone; 1 lot; located on the north side of West Virginia Avenue, 350 feet east of Maryland Avenue; Bethesda-Chevy Chase.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE, PRESLEY 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 28, 2011

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE, PRESLEY ABSENT

**Action:** Approved the Minutes of April 28, 2011, as presented.

**2. Recognize Maryland National Capital Park Police Volunteer David Cohen**

Mr. Cohen won the Statewide "Volunteer of the Year" award from Maryland Recreation and Parks Association at the 2011 MRPA Annual conference.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Presented Certificate of Recognition to Mr. David Cohen.

Chair Carrier presented a Certificate of Recognition to Mr. David Cohen, an enthusiastic supporter and volunteer, who contributes many hours patrolling the parks, assisting in communications, working as a Field Training Volunteer, and advocating for the Department of Parks and the Park Police. Mr. Cohen was presented the Maryland Recreation and Parks Association (MRPA) 2010 Volunteer of the Year award at the Annual MRPA Conference on April 14, 2011.

**\*5. Preliminary Plan No. 120050740 (Remand): Hilltop Farm**

8 lots on 232 acres, located south of west of Old Baltimore Road, west of Slidell Road, north of Barnesville Road and east of Peach Tree Road, RDT Zone, Master Plan for the Preservation of Agriculture and Rural Open Space

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE, PRESLEY ABSENT**

**Action: Approved the staff recommendation to approve, subject to conditions as revised in discussion, including a requirement that the Maryland Department of Natural Resources be asked to determine whether there is habitat for an endangered species on the property, as stated in the attached Board Resolution.**

Planning Department staff presented the preliminary plan to create eight lots on 232 acres in the RDT Zone, as detailed in the staff report. Seven of the lots will be clustered in a 25-acre rectangular piece on the north end of the property. The eighth lot consists of the remaining 207 acres, with the existing horse farm operation, house, and agricultural buildings to be retained. The Board originally denied the plan, finding that it did not adequately preserve agricultural land. That denial was appealed and, as a result of several Court processes, the plan was remanded to the Board by the Circuit Court with an order to approve the proposed subdivision with such conditions that it deems appropriate. Therefore, staff noted, the proposed conditions of approval are the only items before the Board today. Staff clarified that the lots have been referred to as “child lots,” but they are not the traditional child lots permitted in the Agricultural Reserve under the Zoning Ordinance. Rather, these “child” lots are being created under the provisions of an Agricultural Preservation Easement Agreement between the applicant and the County for construction of dwellings for the use of the applicant or children of the applicant partnership’s individual partners. Therefore, the provisions for child lots under the Zoning Ordinance do not apply. Staff reviewed the proposed conditions of approval, noting that the applicant proffered to put an ownership restriction on the lots for five years from the date of building permit, as stated under condition 9. Staff noted that the applicant has also proposed additional language for that condition related to relief of that restriction in the event of death of the applicant or children.

Mr. Steve Orens, attorney representing the applicant, concurred in the staff recommendation, elaborated on the proposed revision to condition 9, and responded to questions from the Board about the provisions of the Agricultural Preservation Easement Agreement.

**5. Preliminary Plan No. 120050740 (Remand): Hilltop Farm**

There was considerable discussion of condition 9, the provisions of the Preservation Easement Agreement, and the implications of the proposed amendment. Legal Counsel to the Board recommended alternate language for an amendment to condition 9, to replace the amendment proposed by the applicant, which was accepted by the Board.

Mr. Allan Noble, representing the Boyds Civic Association; Mr. David Brown, attorney representing adjacent property owners; Dr. Peter Eeg, owner of adjacent property; and Ms. Dolores Milmoie, representing the Audubon Naturalist Society, offered comments on the plan.

There followed considerable discussion of issues raised in testimony, particularly the assertion that there is habitat for an endangered species, the *glyptemys muhlenbergi* (“bog turtle”), on the property, and how that would be appropriately assessed. The Board directed staff to ensure that the State Department of Natural Resources is asked to make a determination as to whether endangered species habitat exists on the property, in the context of updating the Natural Resources Inventory for the forest conservation plan, and to incorporate that requirement into the conditions of approval.

**4. White Flint Staging and Implementation Guidelines**

*Staff Recommendation: Discuss Guidelines and Monitoring Plan*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        Provided guidance to staff.**

Planning Department staff presented the draft White Flint Implementation Guidelines, which establish and detail the transportation approval mechanism and monitoring program required in the White Flint Sector Plan. The current draft incorporates Planning Board guidance at previous worksessions and staff revisions to Section 3, Transportation Approval Mechanism.

In discussion, the Board provided additional guidance to staff for incorporation into the final draft, to be presented to the Board prior to the July 13, 2011, deadline.

**6. Board of Appeals Special Exception No. SE 11-03: Koushan Day Care**

Request for a special exception for a child daycare for up to 12 children; R-60 zone; located at 1804 Sanford Road, Silver Spring, Maryland

*Staff Recommendation: Approval with Conditions*  
**(Action Required for Hearing by Hearing Examiner on June 10, 2011)**

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE, PRESLEY ABSENT

**Action:** Approved the staff recommendation to approve with conditions, as stated in the attached Letter of Transmittal.

Planning Department staff presented a request for a special exception to expand an existing licensed child daycare facility from 8 to 12 children, as detailed in the revised staff report. Staff noted that four parking spaces are required, and the driveway can only accommodate one space. Staff recommends that the driveway be widened a minimum of four feet, to accommodate two spaces, and that the applicant pursue a parking waiver for the other two spaces.

In discussion, Ms. Anna Koushan, the applicant, responded to questions about parking in the area and about staggered drop-offs and pickups.

**9. Closed Session - CANCELLED**

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:**        **This item was cancelled.**

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**12.    Closed Session - ADDITION**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**10.    Department of Parks Budget Transfer**

CIP Transfer from Brookside Gardens Irrigation Project to Wheaton Playground Project  
*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                **WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea:**                **3-0**

**Nay:**

**Other:**                **ALFANDRE, PRESLEY ABSENT**

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

Parks Department Director Mary Bradford and staff discussed the request to transfer \$60,444 from the Brookside Gardens irrigation project to the Wheaton Adventure Playground project, as discussed in detail in the May 19 staff report.

Ms. Judy Koenick of Chevy Chase offered testimony.

**3. Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Received briefing by Parks Department Director Mary Bradford highlighting important activities and events planned for June, as stated in the Director's Report distributed at the meeting.

**11. Briefing: Burtonsville Crossroads Neighborhood Plan**

Status Report on the Plan for the commercial area located at the intersection of US 29 and MD 198 prior to the preparation of a Staff Draft Amendment to the Fairland Master Plan

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation of the Burtonsville Crossroads Neighborhood Plan. Staff noted that the plan will be the first in a series of neighborhood plans for small areas in Montgomery County. The Burtonsville Plan will address specific land use issues, streets right-of-ways and connections, as well as zoning issues with the purpose of making this small area a more balanced and livable community. Staff also discussed the outreach meetings held in January and February 2011, the workshop in March 2011, and the open house held in May 2011. Staff added that the three main pillars of this plan are connectivity, design, and environment. The following tentative schedule provides a timeline for the Plan: 1) Completion of the Staff Draft in September 2011; 2)

Planning Board Public Hearing meeting in October 2011; and 3) Transmittal of Plan to County Executive and County Council in December 2011.

Planning Department Director Rollin Stanley offered comments and noted that the County Council members complimented staff on the new approach to Master Plans and other plans with the intent of making them more realistic and less complicated.

**7. Public Hearing, Worksession and Action on Amendment to the Master Plan for Historic Preservation: Silver Spring Baptist Church - POSTPONED**

Add resource to the Locational Atlas and Index of Historic Sites

*Staff Recommendation: Add Resource to the Locational Atlas and Index of Historic Sites; Recommend to County Council Designation of Resource on the Master Plan for Historic Preservation*

**The public hearing and worksession on the designation of the Silver Spring Baptist Church will be postponed, due to a delay in the transmittal of the amendment as required by Section 33A-5 of the County Code.**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

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**8. Worksession: Draft Kensington and Vicinity Sector Plan - POSTPONED**

*Staff Recommendation: Approval to Transmit Planning Board Draft Plan to the County Executive and County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

MCPB, 5-26-11, APPROVED

**Nay:**

**Other:**

**Action:      This item was postponed.**