



**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, June 17, 2010, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:30 p.m.

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

Items 1, 2, 17, 16, 3, 4, 10, 8, 11, 12, and 7, taken in that order, are reported on the attached agenda.

The Board recessed at 12:19 p.m. for lunch and to take up Item 15 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 12:50 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Vice Chair Wells-Harley, presiding, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, 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 Associate General Counsel Derrick Rogers of the Legal Department; Deputy Director Gene Giddens, William Gries, April O'Neal, Mitra Pedoeem, Dominic Quattrocchi, and Brenda Sandberg 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 negotiations related to the proposed acquisition of parkland for the Little Seneca Greenway.

The Closed Session was adjourned at 1:05 p.m.

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

Items 9, 5, 13, and 6, a Closed Session Item, were discussed in that order and are reported on the attached agenda.

Item 14 was postponed.

The Board convened in Closed Session at 3:25 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Commissioner Dreyfuss, with Vice Chair Wells-Harley, presiding, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(1), State Government Article, Annotated Code of Maryland, 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.

Also present for all or part of the Closed Session were Human Resources Director Bill Spencer; Associate General Counsels Jared McCarthy and Carol Rubin of the Legal Office; Director Mary Bradford; Acting Deputy Directors Michael Riley and Gene Giddens, and Mary Ellen Venzke of the Parks Department; Director Stanley Rollin and Allison Davis of the Planning Department; and Clara Moise of the Commissioner's Office.

In Closed Session, the Board received briefing regarding the final Reduction-In-Force figures for the Parks and the Planning Departments followed by Board discussion.

The Closed Session was adjourned at 4:30 p.m. and the Board reconvened in open session in the third floor conference room.

There being no further business, the meeting was adjourned at 4:30 p.m. The next regular meeting of the Planning Board will be held Thursday, June 24, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, June 17, 2010**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**A. Adoption of Resolutions**

1. Bowie Mill Property - Forest Conservation Plan No. G-885 - ADOPTION OF MCPB RESOLUTION No. 10-51
2. Maydale Park Stream Restoration Project No. SC2010010 Forest Conservation Plan - ADOPTION OF MCPB RESOLUTION No. 10-73
3. Maydale Park Stream Restoration Project No. SC2010010 Water Quality Plan - ADOPTION OF MCPB RESOLUTION No. 10-74
4. Equipment Maintenance and Operations Center [EMOC] Forest Conservation Plan No. MR2010709 - ADOPTION OF MCPB RESOLUTION No. 10-72
5. Fairland Park Community Site Plan 82005006A – ADOPTION OF MCPB RESOLUTION No. 10-50

**BOARD ACTION**

**Motion:**                    **ALFANDRE/PRESLEY**

**Vote:**

**Yea:**                    **4-0**

**Nay:**

**Other:**

**Action:**                **Adopted the Board Resolutions as stated above.**

**\*B. Records Plats**

**1. Subdivision Plat No. 220070960, Tilden Woods:** R-90 zone, 2 lots; located in the northeast quadrant of the intersection of Old Stage Road and Tildenwood Drive; North Bethesda/Garrett Park.

*Staff Recommendation: Approval*

2. **Subdivision Plat No. 220100520, Fox Meadow:** RE-2 zone, 1 lot; located on the south side of River Road (MD 190), 650 feet east of Sandy Landing Road; Potomac.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                   **1. PRESLEY/DREYFUSS**  
                                  **2. PRESLEY/DREYFUSS**

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

**Nay:**

**Other:**

**Action:**           **1. Approved the Record Plat for Tilden Woods, as stated above.**  
                          **2. Approved the Record Plat for Fox Meadow, as stated above.**

**C. Other Consent Items**

**Continuation of Reservation of Land for Public Use**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                   **ALFANDRE/PRESLEY**

**Vote:**  
    **Yea:**               **4-0**

**Nay:**

**Other:**

**Action:**           **Approved the staff recommendation to re-establish for three years the reservation of 13.06775 acres east of Brink Road and south of Ridge Road (MD 27), owned by the Roman Catholic Archbishop of Washington, for the future Midcounty Highway extension.**

**D. Approval of Minutes**

Minutes of May 27, 2010

**BOARD ACTION**

**Motion:**                    **ALFANDRE/PRESLEY**

**Vote:**

**Yea:**                    **4-0**

**Nay:**

**Other:**

**Action:**                **Approved the minutes of May 27, 2010, as presented.**

**2.      Appointment of Members to the Shady Grove Advisory Committee**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **PRESLEY/ALFANDRE**

**Vote:**

**Yea:**                    **4-0**

**Nay:**

**Other:**

**Action:**                **Approved the staff recommendation to appoint Natalia Farrar, representing area business interests, and Connie McKenna, representing the Shady Grove Woods Community, to the Shady Grove Advisory Committee.**

**17.     Budget Transfer**

**BOARD ACTION**

**Motion:**                    **PRESLEY/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to make internal transfers of funds from Personnel Services to Other Services and Charges and from Supplies and Materials to Capital Outlay, as stated in the staff memorandum.**

**16. Enforcement Rules Revision in Accordance with PHED Recommendation - ADDITION**

**BOARD ACTION**

**Motion: ALFANDRE/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved the revised Enforcement Rules.**

Legal Department staff presented a revised draft of the Enforcement Rules, incorporating revisions made by the County Council staff. The Rules will go to the Council for action on June 22, 2010.

**3. Star Pointe Plaza**

**A. Preliminary Plan 120090130:** I-1/Burtonsville Employment Area Overlay Zone; 1.54 acres; 1 lot requested for a 25,239 square foot, three-story commercial building consisting of general office space, retail and restaurant; located on Sandy Spring Road (MD 198), 100 feet west of Star Pointe Lane; Fairland Master Plan.

*Staff Recommendation: Approval with Conditions*

**B. Site Plan 820100020:**I-1/Burtonsville Employment Area Overlay Zone; 1.54 acres; a 25,239 square foot, three-story commercial building consisting of general office space, retail and

restaurant; located on Sandy Spring Road (MD 198), 100 feet west of Star Pointe Lane; Fairland Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

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

**Nay:**

**Other:**

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

**B. Approved the staff recommendation to approve the site plan, subject to revised conditions, as stated in the attached Board Resolution.**

Development Review staff presented the preliminary plan and site plan for one lot for development of a 25,239 square foot, three-story commercial building and associated parking and amenities, as detailed in the staff report. Access will be provided via a driveway from a service road in the Sandy Spring Road (MD 198) right-of-way until the extension of Dino Drive is constructed by an existing developer road club and the service road is closed by State Highway Administration. Access will then be provided to Dino Drive via an easement across the intervening EZ Storage property. Staff proposed a revision to site plan condition 6b.

Responding to questions from the Board, Environmental Planning staff discussed the Dino Drive access in relation to the reforestation area and staff discussed how this proposed use fits under the maximum established in the master plan for retail uses in the area.

Mr. Mark Hessel, attorney representing the applicant, concurred in the staff report.

**4.     The Norwood School, Inc - POSTPONED**

**BOARD ACTION**

**Motion:**

**Vote:**  
      **Yea:**

**Nay:**

**Other:**

**Action:**        **This item was postponed.**

**10.     Site Plan Review No. 820090120, PNC Bank – Potomac Village - NEW TIME**

C-1 zone; 0.81 acres; 285 gross square feet for commercial use; located at the south quadrant of the intersection of River Road and Falls Road; Potomac  
*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **Deferred action at the applicant's request.**

Development Review staff presented the site plan to convert an existing walkup bank automatic teller machine (ATM) kiosk to a drive-through ATM kiosk in a small portion of a shopping center, and modify the existing parking layout and landscaped buffering along Great Falls Road. Staff noted that this is an unusual site plan because it does not cover the entire shopping center parcel, the applicant is a leaseholder in the shopping center, and previous standards of the C-1 Zone apply because of the age of the development.

Ms. Soo Lee-Cho, attorney representing the applicant, concurred in the staff recommendation, requesting that the condition requiring a designation of employee parking spaces be deleted. Mr. James Rich, representing the owners of the shopping center, offered comments.

Ms. Betsy Dahan, representing the West Montgomery County Citizens Association, and Ms. Janis Sartucci, representing the adjacent Limestone Court Homeowners Association, offered comments.

There followed considerable discussion of the impact of the proposal on vehicular circulation, particularly in relation to the signalized exit onto Falls Road. Commissioner Alfandre and Commissioner Dreyfuss both said that they frequent this shopping center and expressed the view that the proposal will exacerbate existing circulation problems. Commissioner Alfandre noted the need to prohibit delivery trucks from blocking the drive aisles in the center, and there followed some discussion of how that could be enforced, and whether signage and other measures to that effect could be placed as a condition of approval on the subject site plan.



Mr. Mike Workosky, the applicant's traffic engineer, discussed vehicular and pedestrian circulation, and Ms. Tracci Moss, representing the PNC Bank, discussed the need for the proposed modifications. They maintained that the proposed changes will improve the traffic flow in the parking lot.

There followed additional discussion of the need to improve the circulation in the shopping center overall, and the applicant requested that the Board defer action to allow that issue to be addressed.

**8. Adequate Public Facilities Requirements for FY 11 Under Growth Policy- NEW TIME/REVISED**

**1. Schools Test**

*Staff Recommendation: Adopt FY 11 School Tests effective July 1, 2010*

**2. PAMR Mitigation Payment Value**

*Staff Recommendation: Increase FY 11 Value to \$11,300 Per Trip*

**3. Bill 38-10 APF for Vacant Buildings Status Report**

**BOARD ACTION**

**Motion:**                    **1. DREYFUSS/ALFANDRE**  
                                  **2. DREYFUSS/ALFANDRE**

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

**Nay:**

**Other:**

**Action:**                **1. Adopted the FY 2011 Schools Test, effective July 1, 2010.**  
                                  **2. Approved the staff recommendation to increase the Policy Area Mobility Review mitigation payment value from \$11,000 to \$11,300 for FY 2011.**

**1. Schools Test**—Research staff presented the results of the Montgomery County Public Schools (MCPS) analysis of schools capacity, with determinations of which school clusters will be in moratorium for residential development or require a school facilities payment, as detailed in the staff report and the supplemental staff memorandum dated June 15, 2010. Staff endorses the MCPS findings.

**2. PAMR Mitigation Payment Value**—Transportation Planning staff presented the proposal to increase the Policy Area Mobility Review (PAMR) mitigation payment value from \$11,000 to \$11,300 for FY 2011, based on increases in construction costs, as detailed in the

staff report. There followed some discussion of implementation of the PAMR mitigation payments.

**3. Bill 38-10, APF for Vacant Buildings Status Report**—Transportation Planning staff briefed the Board on Bill 38-10, which was recently introduced, to ensure that vacant buildings, which were once subject to Adequate Public Facilities (APF) review, are not subject to a second APF review when proposed for renovation. Staff reported some concerns, noting that a full staff report and recommendation on the Bill will be presented to the Board July 1, 2010. There followed some discussion of how the proposal would apply under various scenarios.

Mr. William Kominers, land use attorney, offered comments, noting that the intent is to encourage renovation and reuse of vacant buildings.

### **11. Zoning Text Amendment No. 10-06 - NEW TIME**

To amend the Zoning Ordinance to modify the provision concerning sloping lots.

*Staff Recommendation: Transmit Comments to the County Council*

**(Action required for County Council public hearing of 6/22/10)**

#### **BOARD ACTION**

**Motion:** PRESLEY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** **Approved the staff recommendation to transmit a recommendation of disapproval to the County Council, as stated in the attached Letter of Transmittal.**

Development Review staff presented the Zoning Text Amendment to modify the provisions concerning sloping lots, to address issues related to out-of-character infill development, as detailed in the staff report. Staff recommends disapproval, due to the fact that recent changes made by the County Council to the methodology for measuring building height, to the maximum building height in the R-60 and R-90 Zones, and to lot coverage requirements have sufficiently addressed those issues.

**12. Subdivision Regulation Amendment–10-02 - NEW TIME**

To amend the Subdivision Regulations to allow parcel owners with certain legally built single family detached dwelling to use the minor subdivision procedures.

*Staff Recommendation: Transmit Comments to the County Council*  
**(Action required for County Council public hearing of 6/22/10)**

**BOARD ACTION**

**Motion: ALFANDRE/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to transmit a recommendation of approval to the County Council, as stated in the attached Letter of Transmittal.**

Development Review staff presented the proposed amendment to the Subdivision Regulations to create an exemption to allow owners of certain residentially developed parcels to receive building permits by undergoing the minor subdivision procedures instead of full subdivision review, as detailed in the staff report. Staff noted that this is companion legislation to a Zoning Text Amendment creating the same exemption, which was recently approved by the County Council.

**7. Blockhouse Point Conservation Park - NEW TIME**

Authorization to acquire 16.0002 acres, more or less, unimproved, from the Estate of Josephine S. Cornelius, located at 13710 Esworthy Road, Germantown, MD 20874 as a Legacy Open Space Natural Resource Protection Area

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: 1. ALFANDRE/PRESLEY  
2. ALFANDRE/PRESLEY**

**Vote:**

**Yea: 1. 4-0  
2. 4-0**

**Nay:**

**Other:**

- Action:**
- 1. Approved the staff recommendation to designate the property cited above as a Legacy Open Space Natural Resource Protection Area.**
  - 2. Approved the staff recommendation to acquire the property cited above, using Legacy Open Space funds.**

Parks Department staff presented the proposal to designate the property cited above as a Legacy Open Space Natural Resource Protection Area and to acquire the property for the Blockhouse Point Conservation Park, for a purchase price of \$1,350,000.

**15. Closed Session**

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**9. Plum-Gar Community Recreation Center Expansion at Plum-Gar Local Park**

**A. Preliminary Forest Conservation Plan MR2010714** - Expansion of the Montgomery County Department of Recreation (MCRD) Plum-Gar Community Recreation Center (CRC) located 19561 Scenery Drive, Germantown.

*Staff Recommendation: Approval with Conditions*

**B. Mandatory Referral Expansion of the Montgomery County Department of Recreation (MCRD) Plum-Gar Community Recreation Center (CRC)** located on the 8.48 acre M-NCPPC owned Plum-Gar Local Park. The building address is 19561 Scenery Drive,

Germantown. The building will be expanded to 19,583 gross square feet and will obtain a Leadership in Energy & Environmental Design (LEED) silver rating.

*Staff Recommendation: Approval with Conditions and transmit Park Permit requirements*

**BOARD ACTION**

**Motion:**                   **A. ALFANDRE/PRESLEY**  
                                  **B. ALFANDRE/PRESLEY**

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

**Nay:**

**Other:**

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

In keeping with the May 26 technical staff report, Environmental Planning staff offered highlights of the forest conservation plan for the mandatory referral request for the expansion of the Plum-Gar Community Recreation Center located on Scenery Drive in Germantown.

Parks Department staff offered a multi-media presentation based on the June 10 technical staff report of the proposed expansion of the community center and discussed staff proposal to eliminate condition 3a in the staff report.

Mr. Keith Leonard, architect for the project, discussed the proposed expansion.

Mr. Donald Scheuerman of the Montgomery County Department of General Services, and Mr. Jeffrey Bourne of the Montgomery County Department of Recreation offered comments.

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

**5. Pre-Preliminary Plan 720090110, Aigner Property**

RDT zone; 115.5 acres; 2 lots requested for 2 one-family detached residential dwellings, one existing to remain; located on Old Hundred Road, 3,100 feet north of Comus Road; Agricultural and Rural Open Space Preservation Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** DREYFUSS/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

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

Development Review staff offered highlights of the request to create two lots for two one-family detached residential dwellings, one existing to remain, on a 115.5-acre property located on Old Hundred Road, 3100 feet north of Comus Road in the Agricultural and Rural Open Space Preservation Master Plan, as discussed in detail in the June 4 technical staff report.

Mr. David C. Landsman, engineer for the applicant, introduced Ms. Olga Aigner and Hans Aigner, the applicants, briefly discussed the proposed request, and concurred with the staff recommendation.

**13. Mandatory Referral Review – ICC Projects SC-2 and RC-131/131A**

Mandatory referral review for the ICC Compensatory Mitigation projects SC-2 & RC-131/131A. SC-2 is a stream and wetland restoration project that is located in Goshen Branch Stream Valley Park. RC-131/131A is a fish blockage removal project located along the mainstem of lower Rock Creek, in Meadowbrook Local Park and Rock Creek Stream Valley Unit 1.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** DREYFUSS/ALFANDRE

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval.

Parks Department staff offered a multi-media presentation and briefly discussed the proposed wetland creation and stream restoration project located within Goshen Branch Stream Valley Park located in Meadowbrook Local Park and Rock Creek Stream Valley Unit 1.

Mr. Richard Cole representing Maryland State Highway Administration offered comments.

Ms. Judy Koenig of Chevy Chase offered testimony.

There followed a brief Board discussion with questions to staff and Mr. Cole.

**14. Preliminary Plan 11992012A, Piney Glen Farms – Lot 20 (Limited Amendment) - Reconsideration - POSTPONED AT APPLICANT'S REQUEST**

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:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**6. Closed Session - NEW TIME**

Pursuant to Annotated Code of Maryland, State Government Article Section 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.**