



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, July 1, 2010, at 9:10 a.m., following a welcome reception for Incoming Board Chair Françoise M. Carrier, in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:55 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 1:15 p.m. for lunch and to take up Item 12 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 1:30 p.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 Alfandre and Presley present and voting in favor of the motion. Commissioner Dreyfuss was necessarily absent. 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 the Closed Session were Executive Director Patti Barney and Mr. Joseph C. Zimmerman.

In Closed Session, the Board conducted an interview of a candidate for the position of Secretary-Treasurer, an Officer of The Maryland-National Capital Park and Planning Commission.

The Closed Session was adjourned at approximately 2:10 p.m.

The Board reconvened in the auditorium at 2:20 p.m.

Items 7 through 11 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:55 p.m. The next regular meeting of the Planning Board will be held Thursday, July 8, 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, July 1, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

A. Adoption of Resolutions

1. Century XXI, Preliminary Plan No. 120070650 Reconsideration - ADOPTION OF MCPB RESOLUTION No. 10-35
2. Safeway Store #2848, Site Plan No. 82009017A - ADOPTION OF MCPB RESOLUTION No. 10-68
3. Rales Property, Preliminary Plan No. 120100200 - ADOPTION OF MCPB RESOLUTION No. 10-62
4. Aigner Property Pre-Preliminary Plan 720090110 - ADOPTION OF MCPB RESOLUTION No. 10-89
5. Star Pointe Plaza Preliminary Plan 120090130 - ADOPTION OF MCPB RESOLUTION No. 10-85
6. Star Pointe Plaza Site Plan 820100020 - ADOPTION ON MCPB RESOLUTION No. 10-87
7. Chevy Chase Center, Project Plan No. 919999002A - ADOPTION OF MCPB RESOLUTION No. 10-61

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0-1

Nay:

Other: CARRIER ABSTAINED; DREYFUSS ABSENT

Action: Adopted the Resolutions cited above.

B. Records Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

C. Other Consent Items

Montgomery College BioScience Education Center, Forest Conservation Plan No. MR2009720 - ADOPTION OF MCPB CORRECTED RESOLUTION No. 10-67
Correction of typographical error.

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0-1

Nay:

Other: CARRIER ABSTAINED; DREYFUSS ABSENT

Action: Adopted the corrected Resolution cited above.

D. Approval of Minutes

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 3-0-1

Nay:

Other: CARRIER ABSTAINED; DREYFUSS ABSENT

Action: Approved the minutes of June 10, 2010, as presented.

2. Chevy Chase Lake Sector Plan Work Scope Discussion

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved the Chevy Chase Lake Sector Plan Scope of Work, as revised in discussion.

Community-Based Planning staff and Urban Design staff provided an overview of the planning area, its history, and previous planning documents, as well as the proposed community outreach and input, guiding principles, vision and goals, and planning for the Purple Line infrastructure, which bisects the planning area.

Mr. Robert Dalrymple, attorney representing the Chevy Chase Land Company; and Ms. Patricia Baptiste, Ms. Judy Koenick, Ms. Patricia Burda, and Mr. Kevin Warner, of Chevy Chase, offered comments.

There followed considerable discussion of the traffic study area, the function of Connecticut Avenue as a major commuter route, and the importance of the design of the Purple Line station and maintaining compatibility while creating transit-oriented development. In addition, several Commissioners offered recommendations related to community outreach.

3. [Board of Appeals No. CBA-2521-K: Montgomery General Hospital, Inc.](#)

Applicant requests a special exception modification for the expansion to the hospital, RE-2, R-60 and R-200 Zone; located at Prince Philip Drive and MD 108, Olney

Staff Recommendation: Approval

(Action Required for Hearing by the Hearing Examiner on 07/09/10)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Development Review staff presented the proposed special exception modification for the expansion of Montgomery General Hospital, consisting of a three-story addition above a recently constructed three-story patient building, as detailed in the staff report. Staff noted that this is the last in a series of modifications to the hospital facilities before the completion of a new campus master plan.

Mr. Jody Kline, attorney representing the applicant, concurred in the staff recommendation and responded to questions from the Board.

4. [Board of Appeals No. S. E.-10-1: Patricia N. & Stephen R. Edelen](#)

Applicants request a special exception for a child day care facility for up to 24, R-60 Zone; located at 6705 Connecticut Avenue, Chevy Chase

Staff Recommendation: Approval with Conditions

(Action Required for Hearing by the Hearing Examiner on 07/23/10)

BOARD ACTION

Motion: ALFANDRE/CARRIER

Vote:

Yea: 3-1

Nay: PRESLEY

Other: DREYFUSS ABSENT

Action: Approved the staff recommendation of approval with conditions, as revised in discussion, as stated in the attached Letter of Transmittal.

Prior to taking up this item, Chair Carrier disclosed for the record that she had previously reviewed information about this special exception petition in her former capacity as Hearing Examiner.

Development Review staff presented the request for a special exception for a child day care facility for up to 24 children, an expansion of an existing child care provider use for 8 children, as detailed in the staff report. The petition includes a request for waivers of the required driveway width and parking setbacks.

Ms. Anne Marie Vassallo, attorney; and Mr. Stephen Edelen and Ms. Patricia Edelen, the applicants, discussed the proposed program and responded to questions from the Board, particularly about the proposed staggered drop-offs of children.

Mr. William Brownlee, traffic engineer Mr. Joseph Cutro, and Ms. Andy Harney, representing Section 3 of the Village of Chevy Chase; Ms. Rolanda Johnson, owner of abutting property on Raymond Street; Mr. Marc Weller of Bradley Lane; Mr. Robert Salmon of Raymond Street; and Ms. Patricia Burda, representing the Town of Chevy Chase, offered comments.

There followed extensive discussion of traffic and circulation concerns, including onsite circulation, enforcement of staggered drop-offs, the driveway and gate configuration, and the impact of the proposed increase on Connecticut Avenue traffic and on neighborhood streets.

In seconding the motion to approve, Chair Carrier proposed including a recommendation that the Board of Appeals reserve jurisdiction to revisit the number of children approved through a follow-up hearing in nine months, and Commissioner Alfandre accepted that as part of the motion.

Commissioner Presley opposed the motion because she believed the proposed increase in children is too large and represents an inappropriate impact.

5. [Preliminary Plan 11988225A, University Gardens](#)

R-60 zone; 2.08 acres; 1 lot previously approved for a 65-unit elderly housing facility; request to add 27 additional elderly housing units per the Board of Appeals approval; located on University Boulevard, 50 feet north of Buckingham Drive; East Silver Spring Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Development Review staff presented the proposal to construct a four-story addition to an elderly housing facility, increasing the number of units from 65 to 92, as detailed in the staff report. Staff offered two revisions to the proposed conditions of approval and noted that the plan is consistent with the proposal to modify the existing special exception that the Board reviewed in March 2010.

Ms. Casey Moore, attorney representing the applicant, introduced other members of the applicant team. She clarified that the Board of Appeals approved the special exception modification in June and, therefore, condition 2 has been met.

Mr. Mark LaFeir, representing the Buckingham Terrace Homeowners Association, offered comments, raising concerns about noise buffering during construction.

Ms. Moore and Mr. John Sekerak, the applicant's engineer, discussed the required construction and noise mitigation and responded to questions from the Board.

6. [Preliminary Plan 11991093A, Damascus United Methodist Church](#)

R-200 zone; 8.39 acres; 1 lot previously approved for a place of worship; request to amend the approved forest conservation plan; located in the southeast quadrant of the intersection of New Church Road and Woodfield Road (MD 124); Damascus Master Plan Area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Development Review staff presented the proposed amendment to a previously approved preliminary plan, to bring the plan into compliance by revising the forest conservation plan and relocating the required offsite forest conservation easement, as detailed in the staff report. Staff noted that the plan also includes improvements to be made to the property in two phases of development, including a new courtyard, a 93-space parking lot, and an access driveway to Mount Vernon Avenue in Phase I, and a 17,000-square foot education center. Staff reported that these improvements do not generate additional peak-hour vehicular trips and do not require changes to the Board's previous conditions of approval or to the record plat.

Mr. David Lingrell, representing the applicant, concurred in the staff recommendation and offered comments on the forest conservation easement.

12. Closed Session

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 State citation and open session report in narrative minutes.

7. Brookville Road Walkway Improvements

A. Forest Conservation Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral: Brookville Road Walkway Improvements, MR#2010801

Staff Recommendation: Approval

BOARD ACTION

Motion: A. ALFANDRE/WELLS-HARLEY

B. PRESLEY/WELLS-HARLEY

Vote:

Yea: A. 4-0

B. 4-0

Nay:

Other: DREYFUSS ABSENT

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

B. Approved staff recommendation for approval, as stated in the attached transmittal letter to the Montgomery County Department of Transportation.

In accordance with the June 18 and 22 technical staff reports, Transportation Planning and Environmental Planning staff discussed the proposed Brookville Road Walkway improvements proposed by the Montgomery County Department of Transportation (DOT). Environmental Planning staff discussed the condition of the existing forest and the proposed tree-save plan for the area. Transportation Planning staff offered a multi-media presentation of the proposed request and noted that DOT has discussed this request with staff and the mandatory referral meets all the requirements.

There followed questions from Board members regarding the fee-in-lieu for forest conservation requirements.

8. [Boxwell Property](#)

A. Final Water Quality Plan: RE-1 zone; 1.71 acres; 1 lot requested for 1 existing one-family detached residential dwelling; located on Peach Orchard Road, 1,200 feet north of Siebel Drive; Cloverly Master Plan

Staff Recommendation: Approval with Conditions

B. Preliminary Plan 120100210: RE-1 zone; 1.71 acres; 1 lot requested for 1 existing one-family detached residential dwelling; located on Peach Orchard Road, 1,200 feet north of Siebel Drive; Cloverly Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

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

Nay:

Other: **DREYFUSS ABSENT**

Action: **A. Approved staff recommendation for approval of the Final Water Quality Plan, subject to conditions, as stated in the attached Board Resolution.**
 B. Approved staff recommendation for approval of the Preliminary Plan, subject to conditions, as stated in the attached Board Resolution.

In accordance with the June 16 detailed technical staff report, Development Review and Environmental Planning staff offered a multi-media presentation of the water quality plan and preliminary plan requesting the creation of one lot on a 1.71-acre property for a one-family detached residential dwelling unit located on Peach Orchard Road in Cloverly. Staff noted that the request is in accordance with the subdivision regulations.

Mr. Charles Grimsley, engineer for the applicant, introduced the applicants Mr. Edgar Boxwell and Ms. Caroline Boxwell, and concurred with the staff recommendation.

9. [Preliminary Plan 11992012A, Piney Glen Farms – Lot 20 \(Limited Amendment\) - Reconsideration](#)

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/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

In keeping with the June 21 technical staff report, Development Review and Environmental Planning staff presented highlights of the request by the applicant to modify the approved forest conservation easement on the property located on Albermytle Drive in the Potomac Subregion. Staff noted that the application has been filed to rectify an existing violation of a Category I Conservation Easement on the property. Staff discussed the forest conservation easement and the existing conditions.

Ms. Michele Rosenfeld, attorney representing the applicant, Mr. Abbott Huang, also present, discussed the proposed reconsideration request.

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

There followed extensive Board discussion, with questions to staff and the applicant's representative.

10. [Bill 38-10: Buildings - Adequate Public Facilities – Definitions](#)

To amend the County Code to change the definition of existing buildings so that the occupancy of recently vacated buildings is not considered an adverse APF impact.

Staff Recommendation: Transmit Comments to the County Council

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Transportation Planning staff offered a multi-media presentation of Bill 38-10 regarding an expedited act to redefine certain terms for purposes of the Adequate Public Facilities (APF) requirements in the building permit law, and generally amend the law governing the determination of adequate public facilities before a building permit is issued. Staff discussed the proposal to amend the County Code to change the definition of existing buildings so that the occupancy of recently vacated buildings is not considered an adverse APF impact.

Mr. William Kominers of Bethesda Metro Center offered testimony.

At the Board's request, Legal staff to the Board offered comments and clarification.

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

11. Roundtable Discussion - ADDITION

Discussion of staff recommendations regarding Montgomery Parks Foundation – Update on foundation status, website development, 2009 tax filing, budget, staffing, Board of Trustees, naming rights, corporate sponsorship.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Parks Department staff, followed by brief discussion. As proposed by Commissioner Presley, the Board instructed staff to schedule a meeting with the Montgomery Parks Foundation's Board of Trustees before the end of July.

Parks Department staff discussed the recommendation regarding Montgomery Parks Foundation status, website development, 2009 tax filing, budget, staffing, Boards of Trustees, naming rights and corporate sponsorship.

Messrs. Jody Kline, John Robinson, and Bill Koegler, members of the Montgomery County Parks Foundation Board of Trustees offered comments.

There followed a brief Board discussion with questions to staff and the three members present.