



**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, September 4, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:15 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, Commissioner Joe Alfandre, and Commissioner Jean Cryor. Commissioner Amy Presley was necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 1:02 p.m. for lunch and to take up Closed Session Item 7. Closed Session Item 6 was postponed.

In compliance with Section 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 third floor conference room at 12:10 p.m., on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Chairman Hanson, Vice Chair Robinson, and Commissioners Alfandre and Cryor present and voting in favor of the motion. Commissioner Presley was necessarily absent.

The meeting was closed under authority of State Government Article, Annotated Code of Maryland Section §10-508(a)(14), to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or a part of the Closed Session were Secretary-Treasurer Patti Barney and Alfred Warfield of the Finance Department; Associate General Counsels Derrick Rogers and Carol Rubin; Director Mary Bradford, Deputy Director Mike Riley, and Daniel Hertz of the Parks Department; Director Rollin Stanley and John Carter of the Planning Department; Ellyn Dye of the Commissioners' Office; and consultants Sarah Woodworth and Don Zuchelli.

In Closed Session, the Board received a briefing by staff and Legal Counsel on the status of negotiations with the developer of SilverPlace and provided guidance to staff.

The Closed Session was adjourned at 1:26 p.m., and the Board reconvened in the third floor auditorium.

The Board reconvened in the auditorium at 1:55 p.m.

Items 8 through 19 are reported on the attached agenda.

Items 17 and 18 were postponed.

There being no further business, the meeting was adjourned at 6:15 p.m. The next regular meeting of the Planning Board will be held Monday, September 8, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, September 4, 2008**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

Group A: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]

- i) Damascus Smart-Miner Site Plan No. 820080140, ADOPTION OF RESOLUTION No. 08-86
- ii) Allnut Property Pre-Preliminary Plan No. 720060530, ADOPTION OF RESOLUTION No. 08-66
- iii) W.J. Umsteads Addition to Kensington Site Plan No. 820080120, ADOPTION OF RESOLUTION No. 08-71

**BOARD ACTION**

**Motion:**                   **CRYOR/ROBINSON**

**Vote:**

**Yea:**                   **3-0-1**

**Nay:**

**Other:**               **ALFANDRE ABSTAINED; PRESLEY ABSENT**

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

**2.     Record Plats**

**Subdivision Plat No. 220060940, 220060960 – 220060980, The Reserve at Fair Hill**

RNC zone; 4 lots, 8 parcels; located along Wickham Road, approximately 1,000 feet west of Olney-Laytonsville Road (MD 108); Olney *Staff recommendation: Approval*

**Subdivision Plat No. 220081300, Rock Spring Park**

I-3 zone; 2 parcels; located in the northwest corner of the intersection of Rock Spring Drive and Fernwood Road; North Bethesda/Garrett Park *Staff recommendation: Approval*

**Subdivision Plat No. 220081600, Woodside Park**

R-60 zone; 1 lot; located on the north side of Highland Drive, 120 feet east of Crosby Road; North and West Silver Spring *Staff recommendation: Approval*

**BOARD ACTION**

**Motion:**                   **CRYOR/ROBINSON**

**Vote:**

**Yea:**                   **4-0**

**Nay:**

**Other:**               **PRESLEY ABSENT**

**Action:**           **Approved the record plats as stated above.**

**3. Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**                   **There were no consent items.**

**4. Worksession #1: Draft Germantown Master Plan**

Review of public hearing testimony, density, TMX zoning  
**(No public testimony will be taken at this time)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**           **Received presentation by Community-Based Planning staff, discussed issues raised in testimony at the public hearing, and provided guidance to staff.**

**5. Wheaton Central Business District and Vicinity Sector Plan**

Discussion of scope of work

*Staff recommendation: Approval to proceed with the draft plan*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yay: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the proposed scope of work.**

Community-Based Planning staff presented an overview of the scope of work for the approach to the Wheaton Central Business District and Vicinity Sector Plan amendment, including goals and objectives, issues to be addressed, outreach, and schedule, as detailed in the staff report.

**6. CLOSED SESSION**

In accordance with State Government Article 10-508(a)(13), Annotated Code of Maryland, to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. (Approval of Closed Session Minutes)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**7. CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(14), to discuss matters directly related to the negotiation of agreements with the developer for SilverPlace

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**8. Worksession and Action: Falkland  
(No public testimony will be taken at this time)**

*Staff recommendation: Transmit recommendation to County Council for partial Master Plan designation; vote to partially remove from the Locational Atlas*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved the staff recommendation to transmit to the County Council the Planning Board Draft amendment recommending that the south and west parcels of the Falkland Apartments complex be designated on the Master Plan for Historic Preservation, with the north parcel to remain on the Locational Atlas until there are Board-approved site plans for the entire parcel.

Planning Department Director Rollin Stanley provided an overview of the staff recommendation to designate the south and west parcels of the apartment complex property as historic resources, while retaining the north parcel on the Locational Atlas until there are Board-approved site plans for the entire parcel. The Public Hearing Draft amendment recommended designation of all three parcels. Historic Preservation Division and Community-Based Planning Division staff also provided information and responded to questions from the Board.

**9. Legacy Open Space Acquisition: Thompson Farm**

Request for addition of Thompson Farm Property on Slidell Road to Legacy Open Space as a Greenway Connection and Farmland and Rural Open Space site.

*Staff recommendation: Approval of addition of Thompson Farm Property to the Legacy Open Space Program*

**BOARD ACTION**

**Motion:** CRYOR/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved staff recommendation to add the Thompson Farm Property to the Legacy Open Space Program as a greenway connection, farmland, and rural open space site.

Legacy Open Space Division and Parks Department staff offered a detailed multi-media presentation in accordance with the August 27 technical staff report on the addition of the Thompson Farm to the Legacy Open Space Categories (Class II).

Mr. James Jamison, owner of the property offered comments.

The following speakers offered testimony: Ms. Dolores Milmoie of Jones Bridge Road and representing the Audubon Naturalist Society; Ms. Anne Sturm of Peachtree Road and representing the Peachtree Ridge Citizens Association; Mr. Jay Cinque of Slidell Road and representing the Boyds Civic Association; Ms. Anne Cinque of Slidell Road and representing the Sugarloaf Citizens Association; Mr. Del Lamiman of West Old Baltimore Road, abutting property owner; Ms. Judy Koenick of Chevy Chase; Ms. Ginny Barnes representing the Legacy Open Space Advisory Group; and Ms. Tina Brown of Barnesville Road.

**10. EXTENSION REQUEST: Preliminary Plan No. 120030030, Ancient Oak West**

R-200 zone; 2.43 acres; 1 lot previously approved for a one-family detached dwelling unit; request for third extension of the preliminary plan validity period; located on the east side of Chestnut Oak Drive, 450 feet south of Wye Oak Drive; Potomac.

*Staff recommendation: Grant 90- day extension*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the 90-day extension request.**

**11. Preliminary Plan No. 120070660, Muncaster Manor (Resubdivision)**

RE-1 zone; 16.15 acres; 3 lots requested; 3 one-family detached dwelling units; located on Rolling Drive, 1,600 feet west of Muncaster Road; Upper Rock Creek

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

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



In accordance with the August 24 technical staff report, Development Review Division staff offered a detailed presentation of the request to create three lots on a 16.15-acre property located on Rolling Drive, west of Muncaster Mill Road.

Mr. Morton Thomas, engineer representing the applicant, offered comments and concurred with the staff recommendation.

**12. Preliminary Plan No. 120080200, Great Falls Estates (Resubdivision)**

RE-2 zone; 2 acres; 1 lot requested; 1 one-family detached dwelling unit, one existing to be replaced; located on Alloway Drive, 400 feet southeast of Stanmore Drive; Potomac.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ROBINSON/ALFANDRE

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

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

Development Review Division staff presented the request to create one lot for one-family detached dwelling unit to replace an existing home on a 2-acre property located on Alloway Drive in Potomac.

Mr. Dean Packard, engineer representing the applicant, offered comments and concurred with the staff recommendation.

**13. Site Plan Review No. 820080100 The Towns of Tanglewood (Formerly Kushner Property) - REVISED**

RT-8 zone; 4.97 acres; 36 townhouses, including 5 MPDUs; located at the northeast quadrant of the intersection of Guilford Run Lane and Dogwood Drive; Fairland

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ALFANDRE/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

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

In keeping with the August 21 detailed technical staff report, Development Review Division staff presented the request to create 38 townhouses, including five Moderately Priced Dwelling Units (MPDUs) on a 4.97-acre property located at the northeast quadrant of the intersection of Guilford Run Lane and Dogwood Drive in Fairland.

Mr. Kevin Foster, representing the applicant, offered comments and concurred with the staff recommendation.

**14. Preliminary Plan No. 120080060, Moore's Addition to Woodburn (Resubdivision)**

R-60 zone; 0.37 acres; 2 lots requested; 2 one-family detached dwelling units, one existing to be removed; located on Wedgewood Road, 300 feet north of Goldsboro Road; Bethesda-Chevy Chase.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ALFANDRE/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

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

In accordance with the August 11 technical staff report, Development Review Division staff presented the request to create two lots for two one-family detached dwelling units, with one existing home to be removed, on a 0.37-acre property located on Wedgewood Road in Bethesda/Chevy Chase.

Mr. Patrick O'Neil, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Frank Bell, the applicant also offered comments.

The following speakers offered testimony: Ms. Anne Beyrsdorfer and Ms. Margaret Beyrsdorfer of Wedgewood Road; and Mr. Forrest Jabir of Wedgewood Road.

There followed discussion by Board members regarding the tree-save plan and questions to staff and the applicant.

### **15. Mandatory Referral No. 08403-USM-1 The Universities at Shady Grove Parking Garage**

University System of Maryland, 9630 Gudelsky Drive, Rockville, Maryland. LSC Zone, Potomac Sub-region Master Plan.

*Staff recommendation: Approval to transmit comments*

#### **BOARD ACTION**

**Motion:** ROBINSON/HANSON

**Vote:**

**Yea:** 2-0-2

**Nay:** ALFANDRE/CRYOR

**Other:** PRESLEY ABSENT

**Action:** To approve the staff recommendation.

**Failed for Lack of a Majority**

**Without objection, directed staff to transmit Planning Board comments, as stated in the attached Letter of Transmittal.**

Community-Based Planning Division staff offered a detailed presentation of the Mandatory Referral for the Universities at Shady Grove, based on the August 21 technical staff report, accompanied by a multi-media presentation.

Messrs. Alan Mount and Benton Clarke, representing the University of Maryland, offered comments.

Commissioners Cryor and Alfandre dissented, citing their opposition to the parking garage proposed location.

**16. Board of Appeals No: S-2729**

Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless & MNCPPC, applicant requests a special exception for a Telecommunications Facility; RE-2 Zone, located at 1313 Bonifant Road, Silver Spring

*Staff recommendation: Approval to transmit comments with conditions*  
**(Action required for hearing by the Hearing Examiner on 09/19/08)**

**BOARD ACTION**

**Motion: CRYOR/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation to transmit comments to the Board of Appeals Chairman, as stated in the attached transmittal letter.**

Development Review Division staff presented the request by Verizon Wireless for a special exception for a Telecommunications Facility to be located in Bonifant Road in Silver Spring, as discussed in detail in the August 25 technical staff report.

Mr. G. Diamond, attorney representing Verizon Wireless, offered comments.

**17. POSTPONED - Closed Session**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Amendment to Chapter 2B )

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**18. POSTPONED - Bill No. 39-07 Montgomery County Code Chapter 2B Agricultural Land Preservation - Amendments**

Bill No. 39-07 Montgomery County Code Chapter 2B Agricultural Land Preservation - Amendments

*Staff recommendation: Approval to transmit comments to Montgomery County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**19. Roundtable Discussion - REVISED**

*(No public testimony will be taken at this time)*

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. County Council Activity
- E. Semi-Annual Report
- F. TMX Zone Revisions

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

- Action:**
- A. Commissioners' Request:** None.
  - B. Approval of Minutes:** Approved Minutes of July 3, 10, 17, 24, 28, & 31, 2008
  - C. Director's Report:** Brief report by Parks Department Director on on-going activities in the Parks system.
  - D. County Council Activity:** Postponed.
  - E. Semi-Annual Report:** Presentation and discussion by Planning Director, Parks Director, and Deputy Director of Parks of the draft 2008 Semi-Annual Report, including format and contents.
  - F. TMX Zone Revisions:** Postponed.