



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 22, 2011, at 9:18 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:03 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson and Norman Dreyfuss. Commissioner Amy Presley joined the meeting at 9:25 a.m. during discussion of Item 14.

Items 1 through 6 and Item 14 are reported on the attached agenda. Item 3 was postponed.

Commissioner Dreyfuss left the meeting before discussion of Item 6, the last item discussed during the morning session, and returned after lunch to attend the afternoon session.

The Board recessed for lunch at 1:28 p.m. and reconvened in the auditorium at 2:43 p.m.

Items 16, 9, 11, 12, 7, 10, and 8, taken in that order, are reported on the attached agenda.

Chair Carrier left the meeting at 4:54 p.m., prior to Item 8. Vice Chair Wells-Harley assumed the Chair in her absence.

There being no further business, the meeting was adjourned at 5:03 p.m. There will be no meeting on Thursday, September 29, 2011, in recognition of Rosh Hashanah. The next regular meeting of the Planning Board will be held Thursday, October 6, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, September 22, 2010
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

1. Subdivision Plat No. 220080670 - 220080690, Greenway Village; PD-4 zone; 31 lots, 6 parcels; located on the south side of Little Seneca Parkway at the intersection with Muscadine Drive; Clarksburg Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220110190, Small's Nursery; RE-1 and R-200 zones; 1 parcel; located in the southwest quadrant of the intersection of Thistlebridge Drive and Georgia Avenue (MD 97); Olney Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220111290, Chevy Chase Terrace; R-60 zone, 1 lot; located in the northeast quadrant of the intersection of Chevy Chase Boulevard and Ruffin Road; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

4. Subdivision Plat No. 220111440, Bradley Hills Grove; R-200 zone; 1 lot; located on the west side of Bradgrove Drive, 200 feet south of Bradley Boulevard (MD 191); Bethesda- Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval of Record Plats cited 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 September 8, 2011

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: **Approved Planning Board Meeting Minutes of September 8, 2011, as submitted.**

14. Special Exception: Landscape Contractor - J. B. Kline, Jr. Landscaping & Lawn Maintenance, Inc.

***A. Preliminary/Final Water Quality Plan No. S-2807:** Landscape Contractor - J. B. Kline, Jr. Landscaping & Lawn Maintenance, Inc., located at 6720 Olney Laytonsville Road, R-200 Zone, Upper Rock Creek Plan

Staff Recommendation: Approval with Conditions

B. Special Exception No. S-2807: Landscape Contractor - J. B. Kline, Jr. Landscaping & Lawn Maintenance, Inc., located at 6720 Olney Laytonsville Road, R-200 Zone, Upper Rock Creek Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

Yea: **A. 5-0**

B. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the final water quality plan, subject to revised conditions, as stated in the attached Board Resolution.**

B. Approved staff recommendation to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

Planning Department staff offered a multimedia presentation of the special exception request for a landscaping and lawn maintenance business to be located on Olney-Laytonsville Road. Staff noted that a forest conservation plan exemption was confirmed for the site by Planning staff on April 19, 2011, and the proposed use will not result in clearing of existing forest or trees. Staff noted that Planning staff and Montgomery County Department of Permitting Services have approved the final water quality plan, which conforms to the requirements for the site. Staff further added that a maximum of twenty-five employees are permitted on site at any one time with regular weekday hours of operation from 6:00 a.m. to 6:00 p.m., Saturday hours from 7:00 a.m. to 6:00 p.m., and no customers are permitted on site. Staff also discussed the revised conditions for the final water quality plan distributed at the meeting.

Mr. Todd Brown, attorney for the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and the applicant's representative.

2. Department of Parks' CIP Work Session #2

Review and approve Park and Planning Bond funded projects for inclusion in the FY13-18 Parks' Capital Improvements Program
Staff Recommendation: Approval

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for conditional approval of Park and Planning Bond funded projects for inclusion in the FY13-18 Parks' Capital Improvements Program (CIP).**

Parks Department staff discussed in detail the FY13-18 Parks' CIP Park and Planning bond funded projects, which are divided four groups of bond-funded projects, i.e., i) Bond funded level-of-effort projects; ii) Bond funded stand-alone projects; iii) Revised bond funded projects; and iv) New bond funded projects. Staff will present recommendations for the remainder of the new projects and any other projects not covered in the first two worksessions at a worksession scheduled for October 13. Staff will also provide the Board with a complete set of project description forms (PDFs), including operating budget impacts (OBI) for final approval, and the recommended FY13-18 CIP will be forwarded to the County Executive and the County Council by November 1, as required by State Law.

There followed extensive discussion of various issues related to specific projects. The Board also provided guidance to staff related to the submission of the CIP and transmittal of Board comments to the County Council.

3. Individual Naming Rights and Dedications Policy - POSTPONED

On July 28 staff submitted to the Planning Board Amended Park Naming and Dedication Policy Guidelines. The Board requested that the document be clarified and that it be reviewed by M-NCPPC counsel. What follows is a revised recommended "Individual Naming Rights and Dedications Policy."
Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

4. Public Hearing: Proposed Donation for Takoma Piney Branch Local Park

Steve Francis, a former NBA All-Star, is proposing to make a donation which will create an endowment to support the maintenance of Takoma Piney Branch Local Park (currently under renovation). In exchange for this donation, enhancements will be made to the basketball court and the court and a new picnic pavilion will be dedicated to specific individuals.

Staff Recommendation: Approval

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

Parks Department staff offered a brief presentation on the proposed enhancements to the basketball court at Takoma Piney Branch Local Park, and the construction of a new picnic pavilion dedicated to the mother of former NBA All-Star Steve Francis, in exchange for a donation which will create an endowment to support the maintenance of the park which is currently under renovation.

There followed a brief Board discussion with questions to staff.

5. Roundtable Discussion

Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing.

Parks Department Director Mary Bradford presented the Parks Director's report, in keeping with her submitted written report. Ms. Bradford highlighted important parks events coming up in the next few weeks, which the Chair and Board members might like to attend with their families, especially the Haunted Train Ride at Wheaton Regional Park during the month of October.

6. [Intelligence Agency Campus –Bethesda \(ICC-B\), Mandatory Referral, MR No. 2011105-MDP-4](#)

Site Development Guide (master plan) for proposed redevelopment to include new green areas, a new parking structure and the removal, reconstruction and renovation and construction of buildings; located at 4600 Sangamore Road, Bethesda

Staff Recommendation: Approval to Transmit Comments

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the National Capital Planning Commission (NCPC), the Defense Intelligence Agency (DIA), and the Department of the Army (DOA), as stated in the attached transmittal letter.

Planning Department staff offered a multimedia presentation of the mandatory referral request for the Intelligence Community Campus in Bethesda (ICC-B). Staff noted that the proposed overall plan is an improvement over the existing conditions because several of the existing buildings will be joined to function as one; surface parking will be replaced by pervious area and a parking garage, with queuing of vehicles for security checks entirely on site, not on Sangamore Road, which will reduce traffic backup on Sangamore Road. Staff noted that the focus of the comments is to encourage alternative means of commuting to the site, and to address compatibility with the existing neighborhood. Staff added that a community meeting is scheduled for October 5 at the Waldorf School, a private school located in the community, to address the community's concerns.

Major Richard Wulff of the US Army Corps of Engineers offered comments and answered questions from the Board.

Mr. Andrew Blysak, architect for the project, offered comments.

The following speakers offered testimony: Ms. Laurene Sherlock representing the Summer Square Homeowners Association; and Mr. John Harbeson representing the Summer Village Homeowners Association.

At the Board's request, Transportation Planning staff offered comments regarding the proposal to remove the stop sign on Sangamore Drive, which is of concern to the neighboring residents, and noted that residents should contact the Montgomery County Department of Transportation to voice their concerns.

Chair Carrier instructed staff to incorporate the Board's comments and recommendations regarding traffic and access by the residents on Sangamore Road.

Commissioner Anderson inquired about the possibility of having a trail connection from the C&O Canal to the site.

15. Closed Session - POSTPONED

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 postponed.

13. Closed Session - POSTPONED

Pursuant to State Government Article Annotated Code of Maryland 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: **This item was postponed.**

16. [Appoint a Replacement Zoning Advisory Panel Member](#)

The Zoning Advisory Panel serves as the advisory board to the Zoning Code Rewrite project.

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to appoint Kimberly Persaud to the Zoning Advisory Panel.**

9. Clarksburg Fire Station #35

***A. Forest Conservation Plan:** Northwest of the intersection of MD Route 355 Frederick Road and MD Route 121 Clarksburg Road, southwest of the Historic District, and northeast of the Clarksburg Stage 4 boundary, R-200 zone, 1994 Clarksburg Master Plan

Staff Recommendation: Approval

***B. Water Quality Plan:** Clarksburg Special Protection Area

Staff Recommendation: Approval with Conditions

C. Mandatory Referral No. 2012001-DGS-1

CIP Project #450300 - Design Development Phase

Staff Recommendation: Approval to Transmit Comments to Department of General Services

BOARD ACTION

Motion: **B. PRESLEY/DREYFUSS**
 A. PRESLEY/WELLS-HARLEY
 C. PRESLEY/WELLS-HARLEY

Vote:
Yea: **B. 4-1**
 A. 4-0-1
 C. 4-1

Nay: **B. ANDERSON**
 C. ANDERSON

Other: **A. ANDERSON ABSTAINED**

Action: **B. Approved the staff recommendation to approve the Water Quality Plan, as stated in the attached Board Resolution.**
 A. Approved the staff recommendation to approve the Forest Conservation Plan, subject to conditions, as stated in the attached Board Resolution.
 C. Approved the staff recommendation to approve the Mandatory Referral with comments, as stated in the attached Letter of Transmittal.

Planning Department staff presented the Forest Conservation Plan, Water Quality Plan, and Mandatory Referral review of the County proposal to construct a new, single-story fire station on Frederick Road (MD 355) on a forested site adjacent to the Clarksburg Historic District, as detailed in the two staff reports. Staff discussed various elements of the plan, including compatibility with the surrounding community. Staff also noted that sewer service will be provided, which may also facilitate provision of sewer service to the historic district, where many septic systems are failing. In terms of the environmental issues, staff noted that the property lies within the Clarksburg SPA and, therefore, a Water Quality Plan is required. Staff discussed issues of imperviousness, including revisions to the plan to remove some community use space and parking to reduce imperviousness. Staff also reviewed the water quality plan and

9. Clarksburg Fire Station #35

the forest conservation plan, including the amount of forest to be cleared, required mitigation, and a request for a waiver to allow removal of three trees and to mitigate the impact on two trees.

Mr. Don Scheuerman, County Department of General Services (DGS), offered comments and responded to questions from the Board. Mr. Michael Kay, DGS; and Mr. Gavin Myers, the architect, also responded to questions and participated in the discussion.

There followed some discussion of the desire to retain a one-story design and the removal of community use space and the need to locate community use space elsewhere in Clarksburg. In opposing the motions to approve the water quality plan and mandatory referral, Commissioner Anderson spoke strongly in support of considering a two-story design to minimize the footprint and imperviousness, while providing additional community use space and ensuring more efficient use of the site. In abstaining from voting on the forest conservation plan, Commissioner Anderson stated that he

could not determine whether the conditions of the requested waiver have been met, compared to what could have been accomplished with an alternate footprint.

11. Scope of Work - Master Plan of Highways Bus Rapid Transit Amendment

Staff Recommendation: Approve Scope of Work

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the proposed Scope of Work.**

Planning Department staff presented the scope of work for amending the Master Plan of Highways to facilitate the development of a countywide bus rapid transit (BRT) system, including the purpose of the plan, a description of the work elements, and the schedule. The Plan will build on the work accomplished in the Countywide Bus Rapid Transit Study, assess and select from the 16 identified BRT corridors, refine the alignments and station locations, determine preferred and minimum rights-of-way, and provide policy guidance to other planning documents and efforts, as well as to property owners, concerning the location, function, and general operational characteristics of the BRT network.

Mr. Michael Flood, planning consultant on the project, participated in the discussion, responding to Board questions and providing additional information as needed.

12. [Subdivision Review Waiver SRW - 201202 White Farm - Germantown](#)

Located at 22525 Wildcat Road, Germantown MD; RDT zone; 42.72 acres. Request to waive Section 50-20(b) of the Montgomery County Subdivision Regulations to allow issuance of a building permit for an approved cell pole and associated structures on an outlot.

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: Approved the staff recommendation to grant a waiver of the Subdivision Regulations for the limited purpose of constructing a cellular tower and ancillary structures, as stated in the attached Board Resolution.

Planning Department staff presented a request to waive the provisions of the subdivision regulations, to allow construction of a special exception telecommunications facility on a recorded outlot, as detailed in the staff report. Staff noted that the Board recognized that building permits cannot be issued for outlots in the comments transmitted to the Board of Appeals for the special exception, and the Board of Appeals made securing a waiver one of the conditions of approval of the special exception. Staff discussed the original subdivision of the property, noting that the outlot was created to prevent additional residential development. Staff also noted that if the outlot had not been created, and the parcel had remained unplatted, the proposal for a telecommunications facility would qualify for an exemption from the platting requirements under the Subdivision Regulations.

Sean Hughes, representing the applicant, responded to questions from the Board.

7. [Preliminary Plan 11998004B: Seneca Meadows](#)

Limited Amendment to the Forest Conservation Plan associated with the Preliminary Plan approved on November 4, 2010; 156 acres along I-270 between MD118 and Father Hurley Boulevard; TMX-2 and I-3 zones;

Germantown Master Plan

Staff Recommendations: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the limited amendment to the Forest Conservation Plan associated with an approved preliminary plan, for phase IV of a larger phased development, as detailed in the staff report. Staff noted that, in the course of reviewing a preliminary plan amendment in November 2010, multiple forest conservation encroachment issues were identified and cited in the Board Resolution, which required an amendment to the Forest Conservation Plan and referenced a

series of encroachment remedies contained in a plan of action submitted by the applicant's attorney. Staff also corrected condition one to require submission, rather than recordation, of a plat within 90 days.

Mr. Bernard Tapocik, abutting property owner, offered comments.

Mr. Gary Vuterberg, representing the applicant, responded to questions from the Board.

10. Mandatory Referral No. 2012002: Georgian Forest Elementary School Addition

3100 Regina Drive, Silver Spring, R-90 zone, 1989 Master Plan for the Communities of Kensington Wheaton.

Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the mandatory referral review of a proposal to construct a two-story addition to the Georgian Forest Elementary School to replace approximately 10 portable classrooms, as detailed in the staff report. The project includes increased parking and reconfiguration of the access to enhance vehicular circulation and create separate drop-off/pick-up areas for bus and vehicular traffic.

Mr. Saeyin Oh, Montgomery County Public Schools (MCPS), and Mr. Greg Fox, the engineer, responded to questions from the Board and provided additional information as needed.

8. Site Plan Amendment No. 82008011A, North Bethesda Center Parcels F, I, and J

TSM Zone; 7.37 Acres; amendment to add 14 units, reduce number of building floors and gross floor area, make minor building alterations, change hardscape, streetscape, and landscaping per conditions of approval and utility issues, revise utilities and stormwater facilities per agency requirements, and reconfigure parcel areas; White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: CARRIER ABSENT

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

Planning Department staff presented the proposal to amend an approved site plan to add 14 dwelling units, change unit types, decrease building size, shift parcel boundaries, and make minor site design changes for several parcels of an overall larger development, as detailed in the staff report.

Mr. Mike Smith, representing the applicant, and Mr. Steve Elmendorf, attorney, offered comments and responded to Board questions.