



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 30, 2010, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:25 p.m.

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

Items 1 through 11 are reported on the attached agenda.

The Board recessed for lunch at 12:25 p.m. and to take up Items 12, 13, and 14 in Closed Session in the third floor conference room.

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 Montgomery County Planning Board convened in Closed Session at 12:40 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of 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 one or more specific employees; §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto; and §10-508(a)(8), State Government Article, Annotated Code of Maryland, to consult with staff, consultants, or other individuals about pending or potential litigation.

Also present for all or part of the Closed Session were Executive Director Patti Barney and Jasmine Prepetit and Bill Spencer of the Department of Human Resources and Management; Secretary-Treasurer Joe Zimmerman; General Counsel Adrian Gardner and Associate General Counsels David Lieb, Jared McCarthy, Derrick Rogers, and Carol Rubin of the Legal Department; Deputy Directors Gene Giddens and Mike Riley, Bill Gries, April O'Neal, Brenda Sandberg, and Mary Ellen Venzke of the Parks Department; Director Rollin Stanley, John Carter, Alison Davis, Richard DeBose, Dan Hardy, Rose Krasnow, Glenn Kreger, and Mark Pfefferle of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed and provided guidance to staff with regard to litigation related to the Hilltop Farms subdivision; proposed acquisition of property for the Upper Paint Branch Stream Valley Park; and proposed reorganization of the Central Administrative Services Departments, the Parks Department, and the Planning Department.

The Closed Session was adjourned at 7:25 p.m., with a continuation of the Closed Session scheduled for Monday, October 4, 2010.

Due to the lateness of the hour, Item 15, the tour of the Wheaton CBD and Vicinity Sector Plan Area, was rescheduled to October 7, 2010.

There being no further business, the meeting was adjourned at 7:25 p.m. The next regular meeting of the Planning Board will be held Thursday, October 7, 2010, 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 30, 2010
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

Brooke Park Preliminary Plan 120080190 – ADOPTION OF RESOLUTION # MCPB 10- 122

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted Resolution cited above.

***B. Record Plats**

Subdivision Plat No. 220101020, Kefauver Tract – Bradley Hills; R-200 zone, 1 lot; located on the north side of Bradley Boulevard (MD 191), 600 feet west of Redwood Avenue; Bethesda – Chevy Chase

Staff Recommendation: Approval

Subdivision Plat No. 220110080, Cabin John Park; R-90 zone, 4 lots; located in the southwest quadrant of the intersection of MacArthur Boulevard and 79th Street; Bethesda-Chevy Chase

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of record plats cited above.**

***C. Other Consent Items**

Strawberry Knoll Site Plan 820090160 CORRECTED Resolution – ADOPTION OF RESOLUTION
No. 09-141

BOARD ACTION

Motion: **ALFANDRE/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted Corrected Resolution for Strawberry Knoll Site Plan cited above.**

***D. Approval of Minutes**

No Minutes for Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Minutes submitted for approval.**

2. Reconsideration Request for Glenmont Parking Garage, Forest Conservation Plan No. MR 1994002

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No motion was made to reconsider the request cited above.

At the Board’s request, Mr. Edgar Gonzalez, Deputy Director for Transportation Policy at the Montgomery County Department of Transportation (DOT), offered comments.

3. Preliminary Plan 12006027B, Burton Woods – Phase III

RE-2 zone; 28.12 acres; 5 lots requested for 5 one-family detached residential dwelling units; located on Davis Mill Road, 2000 feet east of Brink Road; Clarksburg Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the September 17 technical staff report, Development Review staff offered a multi-media presentation of the request to create five lots for five one-family detached residential dwelling units on a 28.12-acre property located on Davis Mill Road in Clarksburg, as detailed in the staff report. Staff discussed the proposed conditions of approval and noted that the application meets the requirements of the Subdivision Regulations.

Mr. Marty Mitchell of Best Homebuilders, L.L.C., representing the applicant, Mr. Ralph Mobley, briefly discussed the proposed request, and concurred with the staff recommendation.

There followed a brief Board discussion.

4. Pre-Preliminary Plan 720080110, Hungerford Property

RDT zone; 14.03 acres; request for 1 lot for 1 one-family detached residential dwelling; located on Martinsburg Road, 4,000 feet southeast of Wasche Road; Agricultural and Rural Open Space Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff offered a detailed presentation of the request to create one lot for one-family detached residential dwelling unit on a 14.03-acre property located on Martinsburg Road in the Agricultural and Rural Open Space Master Plan. Staff noted that this is a Pre-Preliminary Plan request and the Planning Board is requested to approve the applicant's proposal to submit a Preliminary Plan. Staff noted that the applicant will dedicate 20 feet of frontage and the Board can approve two lots on that 25 feet needed to reach access to the road.

Mr. Eric Tidd, Engineer representing the applicant, introduced Mr. Martin Hungerford of Burdette Lane, the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

5. White Flint Sector Plan Implementation Advisory Committee

Staff Recommendation: Approve the Membership of the White Flint Sector Plan Implementation Advisory Committee

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to approve the membership of the White Flint Sector Plan Implementation Advisory Committee.**

Community-Based Planning staff discussed the appointment of members to the White Flint Sector Plan Implementation Advisory Committee, as listed in the staff report, and answered question from Board members.

6. Great Seneca Science Corridor Master Plan Implementation Advisory Committee

Staff Recommendation: Approve the Membership of the Great Seneca Science Corridor Master Plan Implementation Advisory Committee

BOARD ACTION

Motion: **ALFANDRE/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve the membership of the Great Seneca Science Corridor Master Plan Implementation Advisory Committee.**

Community-Based Planning staff discussed the appointment of members to the Great Seneca Science Corridor Master Plan Implementation Advisory Committee, as listed in the staff report, for a total of 16 members.

7. Mandatory Referral No. 10001-SHA-1: ICC Environmental Stewardship Compensatory Mitigation Projects Part 1

This item is for approval of PB-114A and PB-114/115. PB-114A is located Peachwood Local Park and involves the creation of a new stormwater management pond, the removal and relocation of a basketball court, and a reconfiguration of the existing parking lot. PB-114/115 are Special Protection Area (SPA) Best Management Practice (BMP) projects that involve building bio-trench facilities in existing roadside ditches within Department of Transportation right-of-way

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

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

Parks Department staff offered a multi-media presentation of the Mandatory Referral for the Intercounty Connector Environmental Stewardship/Conservatory Mitigation projects, as detailed in the staff report.

At the Board's request, Mr. Chuck Weinkam of the Intercounty Connector (ICC) Project Management Office offered comments.

Mr. Richard Meyers representing the Peachwood Civic Association and the Peachwood Estates Homeowners Association, offered testimony.

8. Mandatory Referral No. 10002-SHA-1: ICC Environmental Stewardship Compensatory Mitigation Projects Part 2

This item is for the approval of five Special Protection Area (SPA) Best Management Practice (BMP) stewardship projects (PB-113, PB-120/121, PB-131 and PB-132) located within Montgomery County DOT right of way, on parkland or on private property

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

Parks Department staff offered a multi-media presentation of the Mandatory Referral for the Intercounty Connector Environmental Stewardship/Conservatory Mitigation projects, as detailed in the staff report.

Mr. Chuck Weinkam of the Intercounty Connector (ICC) Project Management Office offered comments.

9. Mandatory Referral No. 10003-SHA-1: ICC Environmental Stewardship Compensatory Mitigation Projects Part 3

This item is for approval of two stormwater management retrofit projects in the Northwest Branch watershed (NW-35 and NW-47) located within property owned by Naples Manor homeowners association (HOA) and Hallowell HOA, respectively

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval.

Parks Department staff offered a multi-media presentation of the Mandatory Referral for the Intercounty Connector Environmental Stewardship/Conservatory Mitigation projects, a detailed in the staff report.

Mr. Chuck Weinkam of the Intercounty Connector (ICC) Project Management Office offered comments.

There followed Board discussion and questions to staff regarding the design process and issues raised during discussion with the homeowners associations affected regarding easement permits to the County.

10. Clarksburg Village North Local Park

Authorization to convey 9.2924 acres, more or less, unimproved, to the Board of Education of Montgomery County for use as an Elementary School Site to serve the Clarksburg Village Cluster

Staff Recommendation: Transmit Recommendation for Approval to Full Commission

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit recommendation for approval to The Maryland–National Capital Park and Planning Commission.

Parks Department staff offered a brief presentation of the request to convey 9.2924 acres, more or less unimproved, to the Montgomery County Board of Education for use as an Elementary School site to serve the Clarksburg Village Center community. Staff recommends that the Planning Board forward its recommendation for approval to The Maryland-National Capital Park and Planning Commission.

Mr. Cherian Eapen, representing the Boyds Cricket Club/ Montgomery Cricket Association, offered testimony.

At the Board’s request, Mary Pat Wilson, representing the Montgomery County Board of Education, offered comments.

11. Kings Local Park

Authorization to convey 1.5017 acres, more or less, unimproved, to NNP II-Clarksburg, LLC (FKA Terrabrook Clarksburg, LLC) for construction of a stormwater management facility

Staff Recommendation: Transmit Recommendation for Approval to Full Commission

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY RECUSED DUE TO POSSIBLE CONFLICT OF INTEREST

Action: Approved staff recommendation to transmit recommendation for approval to The Maryland–National Capital Park and Planning Commission.

Parks Department staff offered highlights of the request to convey 1.5017 acres, more or less unimproved, to NNP II– Clarksburg, LLC, for construction of a stormwater management facility. Staff recommended Planning Board approval to transmit recommendation of approval to The Maryland–National Capital Park and Planning Commission.

Mr. Kevin Foster, representing Newland Development, offered comments and clarification.

12. Closed Session

Pursuant to Maryland State Government Code Annotated Section 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Closed Session

Pursuant to Maryland State Government Code Annotated 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.

13. Closed Session

Pursuant to Maryland State Government Code Annotated Section 10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

15. Planning Board Members Tour Wheaton CBD and Vicinity Sector Plan

Planning Board tour of plan area

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Rescheduled to October 7, 2010.