



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, October 4, 2012, at 9:20 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:55 p.m.

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

Items 1 through 5 are reported on the attached agenda. The Consent Agenda, Item 1, was taken up after item 2.

The Board recessed for lunch at 12:38 p.m. and to take up Item 11 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 12:46 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present, and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for all, or part of the Closed Session were: Associate General Counsel David Lieb of the Legal Department and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on pending litigation related to the Board's action on the preliminary plan and site plan of the First Baptist Church of Wheaton.

The Closed Session was adjourned at 1:00 p.m.

The Board reconvened in the auditorium at 2:40 p.m.

Items 6 through 10 and Item 12 are reported on the attached agenda.

MCPB, 10-4-12, APPROVED

There being no further business, the meeting was adjourned at 6:55 p.m. The next regular meeting of the Planning Board will be held Thursday, October 11, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

**Montgomery County Planning Board Meeting
Thursday, October 4, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

1. Consent Agenda

A. Adoption of Resolutions

1. Greencastle Lakes Site Plan 81984024B - MCPB No. 12-117
2. Greencastle Lakes Site Plan 81985006B – MCPB No. 12-104
3. Towne Crest Apartments Forest Conservation Plan G 910– MCPB No. 12- 118
4. 8701 Burning Tree Road Preliminary Plan 120110200) - MCPB No. 12-80

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Board Resolutions cited above, incorporating distributed revisions.

B. Record Plats

Subdivision Plat No. 220121450 - 220121490, Poplar Run; R-200 zone; 73 lots, 5 parcels; located at the intersection of Redspire Drive and Autumn Brook Avenue; Kensington-Wheaton Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Record Plats as stated 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 6 and 10, 2012

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Planning Board Meeting Minutes of September 6 and 10, 2012, as presented.

2. Public Hearing on Zoning Ordinance Rewrite

Agricultural/Rural Zones and Residential/Industrial Zones

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and evidence submitted into the record on the Staff Draft Zoning Ordinance Rewrite sections related to Agricultural/Rural Zones and Residential/Industrial Zones.

The following speakers offered testimony and submitted evidence into the record for the public hearing: Ms. Karin Averbeck and Ms. Anja Averbeck of Kensington; Ms. Margy Stancill of Kensington; Mr. Perry Berman of Elkridge; Mr. Michael Sellmeyer of Silver Spring; Ms. Lindsay Smith, representing the Montgomery County Food Council; Ms. Caroline Taylor, representing the Montgomery Countryside Alliance, Audubon Naturalist Society, and the Sugarloaf Citizens' Association; Mr. Jeremy Criss, representing the County Office of Economic Development; Mr. William Kominers, land use attorney; Mr. Tyler Stancill, Montgomery County 4H Poultry Club; Ms. Samantha Mato, attorney representing the Edgewood Inn; Ms. Martha Mohler of Chevy Chase; and Ms. Helen Crettier Wilkes, representing the Potomac Valley Chapter, American Institute of Architects.

3. Corrective Map Amendments G-915 through G-926

Staff Recommendation: Approval to file Corrective Map Amendments G-915 through G-926 with a Recommendation of approval by the Planning Board, to be transmitted to the District Council

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Corrective Map Amendments for transmittal to the County Council, sitting as the District Council.

As part of an ongoing initiative to modernize the County zoning maps from the current hand-drawn and AutoCAD maps by creating an official zoning layer in the Geographical Information System (GIS), and to correct any technical mapping errors discovered in that process, Planning Department staff presented a set of 12 Corrective Map Amendments related to right-of-way withholding cases, as detailed in the staff report.

4. Pooks Hill Minor Master Plan Amendment Scope of Work

Staff Recommendation: Approve the Pooks Hill Minor Master Plan Amendment Scope of Work

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the scope of work, with guidance.

Planning Department staff presented an overview of the proposed scope of work for the Pooks Hill Minor Master Plan Amendment, which will supplement the approved and adopted Bethesda-Chevy Chase Master Plan. This is the first of two minor master plan amendments approved for the Department work program by the County Council. Staff noted that the minor master plan amendment was requested by the owners of the Marriott Hotel, who wish to rezone the property and construct three high-rise apartment buildings, totaling 780,500 square feet, on approximately six acres of under-used parking and vacant land to the west and southwest of the hotel. Staff described the defined planning area, current land uses and zoning, public outreach, and the tentative schedule.

In discussion, the Board offered guidance on issues to address in the amendment and also urged staff to make strong efforts to compress the schedule.

5. Roundtable Discussion

- A. Discussion of updates to Montgomery County forecast of jobs, households, and population
- B. Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed as noted below.

A. Discussion of updates to Montgomery County forecast of jobs, households, and population—Research and Information Services Division Chief Richard DeBose presented an overview of the recent update to the County forecast of jobs, households, and population, including movements into and out of the County, for the Washington Metropolitan Council of Governments cooperative forecasting program. There followed considerable discussion of various aspects of the data, implications of the findings, and how the data are used in the planning process.

B. Planning Director's Report—This item was postponed.

11. Closed Session

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

6. GSSC Implementation Advisory Committee

Appoint members of Great Seneca Science Corridor Master Plan Implementation Advisory Committee

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to appoint seventeen members to the Great Seneca Science Corridor Master Plan Implementation Advisory Committee.

Planning Department staff discussed the proposed appointment of seventeen members to serve a two-year term on the Great Seneca Science Corridor (GSSC) Implementation Advisory Committee (IAC) starting in October 2012. Staff noted that 15 of the candidates are members of the original IAC who have agreed to continue their service. Staff is requesting that the Planning Board confirm these members. Two other members, Messrs. Robert Singman and Jeff Weber will continue to serve until their terms expire in May 2013, at which time they will become eligible for reappointment.

7. Mandatory Referral MR2013003, Snouffer School Road from Sweet Autumn Drive and Centerway Road - MCDOT CIP No. 501109

Widening of Snouffer School Road between Sweet Autumn Drive and Centerway Road to consist of two through lanes in each direction, a continuous center turn lane, 5.5-foot bike lanes in each direction, an 8-foot shared use path on the north side, and a 5-foot sidewalk on the south side all within a 90-foot right-of-way within the Gaithersburg Vicinity Master Plan area.

Staff Recommendation: Approve Transmittal of Comments to DOT

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to transmit comments to the Montgomery County Department of Transportation, as stated in the attached transmittal letter.**

Planning Department staff discussed the mandatory referral request from the Montgomery County Department of Transportation (MCDOT) to widen Snouffer School Road between Autumn Drive and Centerway Road in the Gaithersburg Vicinity Master Plan area. Staff noted that the proposed work will consist of building two through lanes in each direction, a continuous center turn lane, 5.5-foot bike lanes in each direction, an 8-foot shared use path on the north side, and a 5-foot sidewalk on the south side, all within a 90-foot right-of-way.

At the Board's request, Messrs. Kenneth Kendall and Richard Feustle, representing MCDOT offered comments.

8. Dennis Avenue Health Center

A. Forest Conservation Plan No 2013001, Dennis Avenue Health Center: R-60 Zone, 6.7 acres, Replacement of an existing health center with a new facility, south side of Dennis Avenue near Georgia Avenue, Kensington-Wheaton Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. MR2013001, Dennis Avenue Health Center: R-60 Zone, 6.7 acres, Replacement of an existing health center with a new facility, south side of Dennis Avenue near Georgia Avenue, Kensington-Wheaton Master Plan

Staff Recommendation: Approve Transmittal of Comments

BOARD ACTION

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

Vote:

Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

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

B. Approved staff recommendation to transmit comments to the Montgomery County Department of General Services, as stated in the attached transmittal letter.

In keeping with the September 20 and 21 technical staff reports, Planning Department staff discussed the mandatory referral application from the Montgomery County Department of General Services (DGS) to replace an existing health center with a new facility on a 6.7-acre property located on Dennis Avenue in the Kensington-Wheaton Master Plan area. Staff noted that 0.39 acres of forest

will be removed, and the forest conservation requirements will be met off-site. Staff is requesting approval of the Forest Conservation Plan and of a variance request for removal of three specimen trees and impacts to one specimen tree. Staff noted that the proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers, and is in compliance with the Environmental guidelines.

At the Board's request, Mr. Donald Scheuerman Jr., representing DGS, offered comments. There followed a brief Board discussion with questions to staff and Mr. Scheuerman.

9. Briefing on the Sewer Repair, Replacement and Rehabilitation Program Consent Decree - POSTPONED

Briefing on the Washington Suburban Sanitary Commission's Activities to comply with the Consent Decree

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

12. Work Program - Possible Clarksburg Master Plan Amendment

Staff Recommendation: Approval to Transmit Recommendation to Council

BOARD ACTION

Motion: ANDERSON/CARRIER

Vote:

Yea: 3-0-2

Nay: DREYFUSS, PRESLEY

Other:

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

Planning Department staff discussed a possible amendment to the Clarksburg Master Plan regarding water quality protection in the Ten Mile Creek watershed. Staff noted that in 2009 an inter-agency group evaluated water quality results in the Ten Mile Creek watershed, and at that time the Planning Board recommended a Master Plan amendment but the County Council created a water quality working group to conduct more tests. In 2010, the working group reported back with a split recommendation. Staff noted that monitoring done since then appears to indicate that additional protection might be necessary before development should be allowed to proceed. The Department of Environmental Protection (DEP) expressed some uncertainty as to whether the water quality for Ten Mile Creek watershed is protected enough. Staff anticipates that the proposed amendment can be completed in approximately eighteen months with a total of six work years, and to accommodate this work staff is proposing to postpone both the Pooks Hills and the Sandy Spring Minor Master Plans, and the Gaithersburg East Master Plan could also be postponed by nine months. Staff further added that additional budget funding will be necessary for consultant service, and a multi-agency work program, involving the participation of both DEP and the Department of Permitting Services (DPS), will be required.

Commissioners Dreyfuss and Presley noted that they do not believe that a master plan amendment is necessary, and that the sewer and water permit process would adequately protect the watershed.

Commissioner Dreyfuss added that it might be a much better process to approve a percentage of development at any given time and to monitor the water quality on that basis. Commissioner Presley also objected to the lack of notice to the Clarksburg community that this issue would be on the Planning Board's agenda.

Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson noted that they believe that a master plan amendment is necessary to allow a full assessment of potential impacts on the watershed as a whole, rather than a property by property assessment. The Board understands that Clarksburg is designated as a Corridor Town with three transit stations. However, there continues to be concerns that the amount and location of development originally planned for the Ten Mile Creek watershed threatens the health of the creek.

There followed considerable Board discussion, with questions to staff.

10. White Oak Science Gateway Master Plan Briefing on Preliminary Recommendations

Staff Recommendation: Receive Guidance from Board on Preliminary Recommendations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department staff and provided guidance on preliminary recommendations.

Planning Department staff briefly discussed the preliminary recommendations for the White Oak Science Gateway Master Plan and requested guidance from the Board. Staff discussed the following recommendations: i) proposal to add more jobs by creating a Life Science Center in White Oak, as suggested by the County Executive, with assistance from the County Department of Economic Development (DED); ii) transportation issues with Route 29, which are being studied with a report due in the next two months; iii) discussion of R90 zoning for a piece of land located close to the Labor College on New Hampshire Avenue; iv) the mix of uses adjacent to each other in the White Oak area, i.e., residential, commercial, and office use, and the proposed rezoning of some properties; v) discussion of the nature of Route 29, which can be compared to either a freeway or a semi-highway. Staff noted that the Board suggestions will be discussed in upcoming worksessions.

There followed a brief Board discussion with questions to staff.