



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

301-495-4617

**APPROVED**  
**MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, November 13, 2008, at 9:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:00 p.m.

Present were Chairman Royce Hanson and Commissioners Jean Cryor, Joe Alfandre, and Amy Presley. Vice Chair John Robinson joined the meeting shortly after it was called to order.

Items 1 through 9 are reported on the attached agenda.

The Board recessed at 12:00 p.m. for lunch and reconvened in the auditorium at 1:25 p.m. with all five Commissioners present.

Items 10 through 12, and Closed Session, Item 17, are reported on the attached agenda.

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 2:45 p.m. in the third floor conference room on motion of Commissioner Cryor, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor, Alfandre, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(14), State Government Article, Annotated Code of Maryland, 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 part of the Closed Session were General Counsel Adrian Gardner, Associate General Counsels Carol Rubin and Derrick Rogers of the Legal Department; Deputy Director Michael Riley, and Dan Hertz of the Parks Department; Clara Moise of the Commissioners' Office, and the developer representatives: Messrs. Tom Bozzuto, Clark Wagner, Art Frye, Tom Baum, and Ms. Barbara Glockner.

In Closed session the Planning Board, Legal Counsel, and Parks Department staff met with representatives of the developer, the Bozzuto Group, at their request.

The Closed Session was adjourned at 3:10 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 3:15 p.m.

Items 13 through 16 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 7:00 p.m. The next regular meeting of the Planning Board will be held Thursday, November 20, 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, November 13, 2008**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**                    **There were no Opinions/Resolutions submitted for approval.**

**2.     Record Plats**

**Subdivision Plat No. 220062220, Colesville Manor**

R-200 zone; 1 lot; located on the west side of New Hampshire Avenue (MD 650), 800 feet north of Notley Road; White Oak

*Staff recommendation: Approval*

**Subdivision Plat No. 220090190, Larchmont Knolls**

R-90 zone; 1 lot; located on the east side of Connecticut Avenue (MD 185), 700 feet north of Beach Drive; Kensington-Wheaton.

*Staff recommendation: Approval*

**Subdivision Plat No. 220090360, Drummond**

R-60 zone; 1 lot; located on the south side of Drummond Avenue, approximately 1,600 feet west of Wisconsin Avenue (MD 355); Bethesda-Chevy Chase

*Staff recommendation: Approval*

**Subdivision Plat No. 220090400, Clarksburg Heights**

R-200 zone; 2 lots; located on the west side of Frederick Road (MD 355), 300 feet south of Running Brook Drive; Clarksburg

*Staff recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **CRYOR/ALFANDRE**

**Vote:**

**Yea:**                    **4-0**

**Nay:**

**Other:**                    **ROBINSON ABSENT**

**Action:**                    **Approved staff recommendation for approval as stated above.**

**3.     Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**4.     Kensington Heights - REVISED**

Local Map Amendment No. G-877 and Associated Schematic Development Plan  
Kensington Heights 2, LLC, applicant, requests rezoning from R-60 & C-T Zone to the R-T 10  
Zone to allow a maximum of 36 residential townhouse units on the property located at W. Uni-  
versity Boulevard and Findley Road, Kensington

*Staff recommendation: Approval*

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **4-1**

**Nay:**                   **ALFANDRE**

**Other:**

**Action:**               **Contrary to the staff recommendation, agreed to recommend denial of the  
proposed rezoning and the Schematic Development Plan, as stated in the attached Letter of  
Transmittal.**

Development Review staff presented the request to rezone property to the R-T 10 Zone  
for townhouse development and the accompanying Schematic Development Plan, as detailed in  
the staff report.

Mr. Marty Hutt and Mr. Steve Robins, attorneys representing the applicant; Mr. Sterling  
Marion, the applicant; and Mr. Steve Gang, the land planner, elaborated on the proposal, discuss-  
ing density, compatibility, and the appropriateness of the proposed zoning and development for  
the site.

Ms. Donna Savage, representing the Kensington Heights Citizens Association; Mr. Sean  
Neary, Ms. Megan Garnett, Mr. Aaron Garnett, and Mr. Benjamin Brunjes, adjacent property  
owners on Findley Road; Mr. Jerome Mortman, adjacent property owner on Drumm Avenue;  
Mr. Carl Day, reading a statement by Ms. Carole Connor, owner of abutting property on Faulk-  
ner Place; and Ms. Virginia Sheard, representing the Kensington View Civic Association, of-  
fered comments on the proposal.

Members of the applicant team offered rebuttal testimony and responded to questions  
from the Board, and there followed some discussion of density, the restrictions in the master

plan, and the ability to address zoning and future development on the property in the master plan amendment that is underway.

**5. Century XXI**

A. Preliminary Plan No. 120070650, Century XXI

I-3 zone; 12.69 acres; 1 lot requested; 276,000 gross square feet for office; located on Century Boulevard, approximately 1,000 feet east of Aircraft Drive; Germantown

*Staff recommendation: Approve Preliminary Plan with conditions*

B. Site Plan Review No. 820070150, Century XXI

I-3 zone; 12.69 acres; 276,000 gross square feet for office; located on Century Boulevard, approximately 1,000 feet east of Aircraft Drive; Germantown

*Staff recommendation: Approve Site Plan with conditions*

**BOARD ACTION**

**Motion:**                    **A. ROBINSON/CRYOR**  
                                     **B. ROBINSON/CRYOR**

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

**Nay:**

**Other:**

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

**B. Approved the staff recommendation to approve the site plan, subject to conditions, as stated in the attached Board Resolution.**

Development Review staff presented the preliminary plan and site plan for office development, as detailed in the staff report. Staff added a new condition of approval related to participation in future improvements associated with the Corridor Cities Transitway.

Mr. Robert Dalrymple, attorney representing the applicant, introduced Mr. Karl Morris of the applicant company. They concurred in the staff recommendation and elaborated on the potential for future development, particularly to respond to future availability of public transportation.

There followed some discussion of the plan, and possible future amendments to the site plan in response to recommendations in the pending master plan amendment.

**6. Adequate Public Facilities finding for Building Permit No. 490040**

Wachovia Bank, BP No. 490040, 13830 Georgia Avenue

*Staff recommendation: Approve with conditions*

**BOARD ACTION**

**Motion: ROBINSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to approve the Adequate Public Facilities finding for transportation-related requirements for release of one building permit, subject to conditions, as stated in the attached Board Resolution.**

**7. Preliminary Plan No. 120080320, Oak Grove**

RE-2 zone; 6.68 acres; 2 lots requested; 2 one-family detached dwelling units; located on Huntmaster Road, 2,000 feet northwest of Brink Road; Agricultural and Rural Open Space

*Staff recommendation: Approve Preliminary Plan with conditions*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Following a brief staff presentation, based on the technical staff report, Mr. David Crowe, representing the applicants, concurred in the staff recommendation.

**8. Limited Site Plan Amendment No. 82001030A, Glenvilah Center**

RE-2/C-1 zone; 1.54 acres; amendment to increase the building height from 20 feet to a maximum of 30 feet; located in the southeast quadrant of the intersection with Travilah Road and Glen Road; Potomac

*Staff recommendation: Approval of the Limited Amendment*

**BOARD ACTION**

**Motion: ALFANDRE/HANSON**

**Vote:**

**Yea: 3-1-1**

**Nay: CRYOR OPPOSED**

**Other: ROBINSON ABSTAINED, BASED ON HIS VOTE ON THE ASSOCIATED PENDING WATER AND SEWER CATEGORY CHANGE REQUEST**

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

Development Review staff presented the proposal to amend an approved site plan for a two-story commercial building to increase the height, as detailed in the staff report.

Mr. Guy Semmes, the applicant; Mr. Phil Perrine, the land planner; and Ms. Karen Carpenter, the engineer, concurred in the staff recommendation and discussed the reasons for the proposed increase.

Mr. Heywood Fleisig of Travilah Road and Ms. Ginny Barnes, representing the West Montgomery County Citizens Association, offered comments.

There followed some discussion of the impact of the proposed increase in height.

**9. Limited Site Plan Amendment No. 81974005E, Lockheed Martin Corporation**

C-P Zone, 26.51 acres; amendment to add a 7,100 square foot mail sorting facility, installation of security fencing at the south gate, entrance drive improvements, and the installation of a surface parking lot; located on Rockledge Drive approximately 1,300 feet north of Westlake Terrace; North Bethesda/Garrett Park

*Staff recommendation: Approval of the Limited Amendment*

**BOARD ACTION**

**Motion: ROBINSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Development Review staff presented the proposed limited amendment, as detailed in the staff report. Staff made a revision to condition 4e, related to the trail layout and materials.

Mr. Patrick O’Neil, attorney representing the applicant, introduced Mr. Jim Desmond of the applicant company, and Mr. Paul Newman, the engineer. They concurred in the staff recommendation.

**10. Extension Request: Preliminary Plan No. 120050070, Kingsview Knolls**

R-200 zone; 1.06 acres; 2 lots for 2 one-family detached dwellings previously approved; request to extend the validity period of the preliminary plan; located in the southeast quadrant of the intersection of Schaeffer Road and Kingsbrook Drive; Germantown

*Staff recommendation: Denial*

**BOARD ACTION**

**Motion: PRESLEY/CRYOR**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Contrary to staff recommendation of denial, approved a six-month extension of the preliminary plan.**

In keeping with the October 31 technical staff report, Development Review Division staff presented an extension request for a preliminary plan consisting of two lots for two one-family detached dwellings previously approved on a 1.06-acre property located in the southeast quadrant of the intersection of Schaeffer Road and Kingsbrook Drive in Germantown. Staff noted that denial of the requested extension is recommended because in staff’s view this request is solely based on financial consideration.

Mr. Minter Farmsworth, engineer representing the applicant, discussed the proposed extension request and stated that he does not agree with the staff recommendation.

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



**11. Preliminary Plan No. 120070630, Oakdale School Lot**

R-200 zone; 0.77 acres; 1 lot requested; 1 one-family detached dwelling unit, existing dwelling to be replaced; located in the northeast quadrant of the intersection of Emory Lane and Cashell Road; Olney

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ROBINSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**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 to replace an existing dwelling on a 0.77-acre property located in the northeast quadrant of the intersection of Emory Lane and Cashell Road in Olney, as discussed in detail in the October 31 technical staff report.

Ms. Claritza Guevara of Cashell Road offered testimony in support of the proposed plan.

**12. Kentsdale Estates**

Forest Conservation Plan Amendment, No. 119970560, Kentsdale Estates Lot 41. Request to remove portions of forest conservation easement and replace offsite. Located on Willowbrook Drive East of Paytley Bridge Lane; Potomac.

*Staff recommendation: Denial*

**BOARD ACTION**

**Motion: CRYOR/ALFANDRE**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation of denial of the proposed Forest Conservation Plan Amendment request.**

Environmental Planning Division staff presented a Forest Conservation Plan Amendment request to permit the removal of portions of forest easement on the Kentsdale Estates, Lot 41 located on Willowbrook Drive East of Paytley Bridge Lane in Potomac and replace it offsite. Staff noted that the existing plan has 1.3 acres of easement and the applicant is asking for the removal of the majority of this easement, therefore staff does not support this amendment request.

Mr. Peter Noursi, engineer representing the applicant discussed the proposed request.

Ms. Malkani of Willowbrook Drive, the applicant, offered comments.

Ms. Myra Pather of Great Arbor Drive, and Ms. Judy Koenick of Chevy Chase offered testimony.

Mr. Marty Hutt, People's Counsel, offered comments.

There followed extensive Board discussion with questions to staff and the applicant.

**17. CLOSED SESSION - ADDED (3RD FLOOR CONFERENCE ROOM)**

Pursuant to Maryland Annotated Code, State Government Article, Section 10-508(a)(14), To discuss a matter directly related to the contents of a bid or proposal

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**13. Development Plan Amendment No: DPA-08-2: Stabler 1848, LLC (The Goddard School) - REVISED**

Applicant request for a Schematic Development Plan Amendment to allow up to 92,000 square feet of floor area, O-M Zone; located at 900 Olney-Sandy Spring Road, Sandy Spring

*Staff recommendation: Approval*

(Action required for hearing by the Hearing Examiner on 11/21/08)

**BOARD ACTION**

**Motion:** ROBINSON/ALFANDRE

**Vote:**

**Yea:** 4-0-1

**Nay:** CRYOR

**Other:**

**Action:**

In accordance with the November 3 technical staff report, Development Review Division staff presented the request for a schematic development plan amendment to allow up to 92,000 square feet of floor area for a proposed school building on Sandy Spring Road in Olney.

Ms. Patricia Harris, attorney representing the applicant, introduced members of the applicant's team and discussed at length the proposed request.

The following speakers offered testimony: Ms. Michele Layton of Ednor View Terrace Drive and representing the Sandy Spring Ashton Rural Preservation Consortium; Mr. Michele Booz of Market Street; Mr. Alan Wright of Meeting House Road; M. Douglas Farquhar of Olney Sandy Spring Road; Ms. Jennifer Fajman of Pond Road; Mr. James Castagna of Windrush Lane, President of the Sandy Spring Village Homeowners Association; and Mr. Barry Newton of Route 108 in Ashton.

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

**14. Mandatory Referral: Gas-to-Energy Facilities - REVISED  
(Deferred by Applicant and Board at MCPB hearing, October 23, 2008)**

**A. Mandatory Referral No. 08607-DEP-1**

Gude Landfill Gas-to-Energy Facility

R-200 Zone; 600 East Gude Drive, Rockville; Upper Rock Creek Area Master Plan

Staff recommendation: Approve Mandatory Referral with comments

**B. Mandatory Referral No. 08608-DEP-1**

Oaks Landfill Gas-to-Energy Facility

RDT Zone; 6001 Olney-Laytonsville Road, Laytonsville, Olney Master Plan

Staff recommendation: Approve Mandatory Referral with comments

**BOARD ACTION**

**Motion:** A. ALFANDRE/ROBINSON  
B. ROBINSON/HANSON

**Vote:**

**Yea:**            **A. 5-0**  
                      **B. 5-0-1**

**Nay:**            **ALFANDRE**

**Other:**

**Action:**        **A. Approved staff recommendation for approval of Mandatory Referral request No. 08-607-DEP-1.**

**B. Approved staff recommendation for approval of Mandatory Referral request No. 08608-DEP-1.**

Community-Based Planning Division staff noted that this item was deferred from the October 23 Planning Board meeting pending the Board's request that the Maryland Department of Environmental Planning (DEP) provide responses to questions raised by the speakers during the meeting, and also provide a plan for monitoring the proposed sites, which has been done. Staff noted that the Board's request has been addressed.

**15. Roundtable Discussion**

**(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. Growth Policy

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **A. Commissioners' Report:** None

**B. Approval of Minutes:** Approved Minutes of October 6, 13, and 16, 2008 as submitted.

**C. Director's Report:** Parks Department Director, Mary Bradford submitted a written report.

**D. County Council Activity:** Not discussed

**E. Growth Policy:** Planning Department Director, Rollin Stanley, offered a multi-media presentation on Growth Policy for Montgomery County followed by Board discussion and questions. The Director noted that the Planning Department has held various community meetings for Clarksburg, Germantown, Silver Spring, and Wheaton for which comments received will be compiled and distributed to Board members.

**16. FY10 Budget Worksession**

FY10 Budget discussion: Department of Parks, Planning Department and CAS

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: FY10 Budget discussion by Commission's Executive Director and Department of Planning and Department of Parks Directors.**