



**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, November 19, 2009, at 9:30 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:20 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioner Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 12:00 p.m. for lunch and to take up Item 12 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 12:20 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Presley present and voting in favor of the motion. Commissioner Alfandre was necessarily absent. 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 General Counsel Adrian Gardner and Associate General Counsels Tracey Harvin, David Lieb, Carol Rubin, and Christina Sorrento of the Legal Department; Director Rollin Stanley, Rose Krasnow, Robert Kronenberg, and Mark Pfefferle of the Planning Department; Director Mary Bradford of the Parks Department; and Technical Writer Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received briefings and discussed issues related to the enforcement legislation package set for County Council public hearing on Tuesday, the proposed provisions of the CR Zone, and the Piedmont Crossing record plat.

The Closed Session was adjourned at 1:37 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:50 p.m.

Items 6 through 8 and Items 10 and 11 are reported on the attached agenda.

Item 9 was postponed.

There being no further business, the meeting was adjourned at 5:20 p.m. There will be no Planning Board meeting on Thursday, November 26, Thanksgiving Day. The next regular meeting of the Planning Board will be held Thursday, December 3, 2009, 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 19, 2009, 9:30 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

Baum Property, Site Plan 82005012C – ADOPTION OF MCPB RESOLUTION No. 09-138

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Adopted the Resolution as stated above.**

**\*B. Record Plats**

**Subdivision Plat No. 220081760, Montgomery Auto Sales Park.** C-3 zone, 1 lot; located on the south side of Briggs Chaney Road, approximately 1,400 feet east of Automobile Boulevard; Fairland.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220100170, Homecrest,** R-200 zone; 1 lot, located on the north side of Bel Pre Road, approximately 1,000 feet west of Big Bear Court; Aspen Hill.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220100180, Hillmead-Bradley Hills,** R-60 zone; 2 lots; located on the south side of Greentree Road, 150 feet west of Ewing Drive; Bethesda-Chevy Chase.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action: Approved the Record Plats as stated above.**

**\*C. Other Consent Items**

**1. Extension Request for Project Plan Review No. 920070100, 8700 Georgia Avenue,** CBD-2 zone; 0.526 acres; 133,170 square feet office, retail and residential; located on Georgia Avenue, at the northwest intersection with Cameron Street; Silver Spring CBD

*Staff Recommendation: Approval of the Extension Request.*

**2. Batchellors Forest, Site Plan 820080190 – ADOPTION OF MCPB CORRECTED RESOLUTION No. 09-95**

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT**

**Action:**        **Approved the Consent Items as stated above.**

**\*D. Approval of Minutes**

Minutes of October 15, 2009 meeting

**BOARD ACTION**

**Motion:**                **WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea:**                **3-0**

**Nay:**

**Other:**            **ALFANDRE ABSENT**

**Action:**        **Approved the minutes of October 15, 2009, as presented.**

**2.     Preliminary Plan No. 11997056A, Kentsdale Estates**

RE-2 zone; 4.09 acres; 1 existing one-family detached residential lot; request to amend the approved Forest Conservation Plan to modify the existing conservation easement boundaries; located on the east side of Willowbrook Drive at its intersection with Paytley Bridge Road; Pottomac.

*Staff Recommendation: Denial*

**BOARD ACTION**

**Motion:**                **PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea:**                **3-0**

**Nay:**

**Other:**            **ALFANDRE ABSENT**

**Action:**        **Deferred at applicant's request.**

Development Review staff presented the proposed limited amendments to an approved preliminary plan and forest conservation plan, as detailed in the staff report. Staff recommends denial, finding that the proposed mitigation for the removal of the forest conservation areas is inadequate; staff would require retention of a larger area of the existing mature forest in the northeast corner of the lot, in addition to offsite mitigation. Staff noted that issues adding to the complexity of the proposal are stormwater management requirements, public and private storm drain systems, and the fact that some of the areas covered by conservation easements would not

be protected under today's standards. Staff reviewed the original approved plan and forest conservation easements, subsequent approved amendments affecting the adjacent lot, and a previous amendment proposal to remove forest conservation areas, which was denied by the Board.

Mr. David Brown, attorney representing the applicant, discussed the applicant's proposal and areas of disagreement with staff, emphasizing that the applicant is caught between conflicting forest conservation requirements by staff and County stormwater management requirements. Ms. Roma Malkani, the applicant, also offered comments.

Mr. Tom Weadon, County Department of Permitting Services (DPS), discussed stormwater management issues, including drainage and sediment control, and options on the property.

Environmental Planning staff responded to the applicant's arguments, expressing the view that all recommended requirements can be met on the site, although there would be some adjustment to the developable area.

Ms. Judy Koenick and Ms. Myra Patner, owners of adjacent property to the east, offered comments on the proposal.

There followed considerable discussion, with staff, DPS staff, and the applicant responding to questions from the Board and providing additional information as needed. Based on the discussion and the inclination of the Board to deny the plan, the applicant requested that the Board defer action.

### **3. Project Plan Review No. 920100010, 8621 Georgia Avenue**

CBD-2 zone; 0.69 acres; 191,281 square feet office; located on Georgia Avenue, approximately 75 feet west of Colesville Road (MD 29); Silver Spring  
*Staff Recommendation: Approval with Conditions*

#### **BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** ALFANDRE ABSENT

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

Development Review staff presented the project plan for an office building with ground-floor retail/restaurant uses and structured parking, a maximum of 13 stories and 143 feet, as detailed in the staff report. Staff discussed the public art and open space components, as well as a contribution to the Amenity fund to support Fenton Street Urban Park or other open space in the Silver Spring Central Business District, and distributed and reviewed several revisions to the proposed conditions. Staff noted that the lot is already platted and, therefore, will not be back before the Board with a preliminary plan of subdivision.

Mr. Jody Kline, attorney representing the applicant, concurred in the staff recommendation, and Ms. Trini Rodriguez, the landscape architect, elaborated on the architectural and amenity aspects of the project.

**4. Preliminary Plan 120080310, Yazdi Property**

R-200 zone; 0.97 acres; 2 lots requested for 2 one-family detached residential dwellings; located on Quince Orchard Road opposite its intersection with Pissaro Drive; Potomac Subregion.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT**

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

Development Review staff presented the proposal to create two residential lots, as detailed in the staff report.

Mr. Charles Grimsley, representing the applicant, concurred in the staff recommendation.

**5. Preliminary Plan No. 120090390, Potomac Estates**

RDT zone; ~~77.3~~ **73\*** acres; 2 lots requested for 2 one-family detached residential dwelling units; located on Montevideo Road, 150 feet west of Sugarland Road; Agriculture and Rural Open Space.

*Staff Recommendation: Approval with Conditions*

**\*Corrected during oral presentation**

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: ALFANDRE ABSENT**

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

Development Review staff presented the proposal to create two residential lots and one unplatted parcel, as detailed in the staff report. Staff corrected the notation on the agenda, stating that the property is 73 acres. Staff noted that the proposed house locations have been situated to minimize the impact on the ongoing agricultural operations and to minimize visual impacts to the exceptional rustic road.

Community-Based Planning staff discussed the use of sand mounds in the RDT Zone and the reasons staff supports their use in this case.

Mr. David Freishtat, attorney representing the applicant, concurred in the staff recommendation.

**12. Closed Session - ADDITION**

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) (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. Roundtable Discussion - REVISED**

**ICC Status Report #19 – Upper Paint Branch SPA process and mitigation/stewardship projects**

(No Public Testimony Taken)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

Transportation Planning and Environmental Planning Divisions staff offered a multi-media presentation on the status of the InterCounty Connector (ICC) project, including the proposed toll rates and its environmental impact. Staff also discussed the Upper Paint Branch Special Protection Area (SPA) process and mitigation/stewardship projects. Staff noted that the Planning Board held a public hearing on the environmental review of the ICC through the Upper Paint Branch Special Protection Area in June 2009, and since then staff has been receiving plans for erosion, sediment control, and stormwater management in the SPA. Staff also added that it has been working extensively with State Highway Administration (SHA) staff, the ICC team, Maryland Department of Energy (MDE), the Department of Permitting Services (DPS), and the Department of Environmental Planning (DEP) regarding the submitted designs and plans.

At the Board's request, Mr. Robert Upshur representing State Highway Administration offered comments.

There followed extensive Board discussion, with questions to staff and Mr. Upshur.

**7. FY11 Operating Budget Worksession - ITEM PLACEMENT CHANGED**

- A. CAS
- B. Commissioner's Office
- C. Planning
- D. Parks

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received FY11 Operating Budget Updates for Central Administrative Services (CAS), the Commissioners' Office, the Planning Department, and the Parks Department followed by discussion and questions to staff.**



**8. Master Plan of Highways - ITEM PLACEMENT CHANGED**

Master Plan of Highways: Draft Scope of Work for a Comprehensive Functional Master Plan Amendment

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by Board discussion.**

In keeping with the November 13 technical staff report, Transportation Planning Division staff offered a multi-media presentation of the draft scope of work for a Comprehensive Functional Master Plan Amendment for the Master Plan of Highways. Staff noted that there have been discussions about changing the name and staff is open to suggestions. Staff also added that the Master Plan will be a web-based document and accessible to the public.

Mr. Jerry Garson of Raymond Lane, President of the Citizens for Better Maryland Roads, offered comments.

**10. Position on Bill 38-09 Growth Policy Amendments - ADDITION**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by Board discussion.**

In accordance with the November 13 technical staff report, Research & Technology Division and Planning Department staff offered a briefing on the proposed County Council Bill 38-09 introduced by Councilmembers Floreen and Knapp to rename the County Growth Policy as the "Subdivision Staging Policy." Staff presented its comments and recommendations, and requested the Board's approval for transmittal to the County Council.

At the Board's request, the Planning Department Director and Research & Technology Division Chief offered comments.

There followed extensive Board discussion and questions to staff. The Board instructed staff to incorporate the Board's comments made during the meeting and submit a revised memorandum to the Chairman for approval before transmission to the County Council.

**11. Parks Update - ADDITION**

1. Enterprise – Update for PHED Committee
2. Smart Parks – Update for PHED Committee
3. Legacy Open Space – Update for PHED Committee

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** The Board informed the Parks Department Director that Board members will provide their written comments to Parks staff regarding the Enterprise Fund, Smart Parks, and Legacy Open Space, for transmittal to the County Council Committee on Planning, Housing, and Economic Development (PHED).

**9. Wheaton CBD & Vicinity Sector Plan Amendment – POSTPONED**

- 
- Preliminary Recommendations

*Staff Recommendation: Discussion and Provide Guidance to Staff*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** This item was postponed.