



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 29, 2012, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:50 p.m.

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

Prior to taking up the morning agenda, Chair Carrier observed a moment of silence in recognition of the sudden passing of William R. Barron, a planner with the Department for over 30 years, who had retired at the end of June.

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 1:36 p.m. for lunch and to take up Item 7 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 1:50 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, 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 Executive Director Patti Barney; General Counsel Adrian Gardner and Associate General Counsels David Lieb and Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley, and Dan Hertz of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on a proposed Memorandum of Understanding with Montgomery County for construction of a building for the relocation of the Montgomery Regional Office to Wheaton.

The Closed Session was adjourned at 2:50 p.m.

MCPB, 11-29-12, APPROVED

The Planning Board reconvened in the auditorium at 3:05 p.m.

Items 8 through 11 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:50 p.m. The next regular meeting of the Planning Board will be held Thursday, December 6, 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, November 29, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Rolling Stone Preliminary Plan 120110430 – MCPB 12-86
2. Big Woods Road No. SRW 2011001 – MCPB 12-133

BOARD ACTION

Motion: **PRESLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted the Resolutions cited above.**

***B. Record Plats**

1. Subdivision Plat No. 220120340, Brookmont, Section 1

R-60 zone; 1 lot; located on the west side of Broad Street, 200 feet north of 64th Street; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220121550-220121600, Olney Springs

PD-3 zone; 139 lots, 25 parcels; located on the southern side of Bowie Mill Road, 500 feet northeast of Ivy Lane; Olney Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220121810, Mid-Pike Plaza

CR zone; 2 lots; located in the northeast quadrant of the intersection of Old Georgetown Road (MD 187) and Towne Road (formerly Hoya Street); White Flint Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved the Record Plats cited as Items 1 and 2, above, for Brookmont and Olney Springs.**
 B. Approved the Record Plat cited as Item 3, above, for Mid-Pike Plaza.

Prior to taking up the Record Plats, Chair Carrier announced that the Plat for Mid-Pike Plaza would be severed from the Consent Agenda to allow staff to present some revisions to the Plat.

Planning Department staff reported on revisions to some notes on the Mid-Pike Plaza Record Plat, based on discussion among State and County officials, staff, and the applicant. The revisions are now incorporated into the Plat for the Board's approval.

***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 Monday, October 15 and Thursday, October 18, 2012

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Minutes of October 15 and October 18, 2012, as presented.

2. Corrective Map Amendments G-950 and G-951

Staff Recommendation: Approval to File Corrective Map Amendments G-950 and G-951 and Transmit a Recommendation of Approval by the Planning Board to the District Council.

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve the Corrective Map Amendments for transmittal to the County Council, sitting as the District Council, as stated in the attached Letter of Transmittal.

Planning Department staff presented two Corrective Map Amendments related to annexation errors that have been identified as the Department continues the project to create an official zoning layer for the County in the Geographical Information System (GIS). The corrections will rectify the boundary lines between the City of Rockville and the County by moving two parcels outside the City boundaries, and will restore the original County zoning designations to those parcels, as detailed in the staff report.

3. Briefing on the Sewer Repair, Replacement and Rehabilitation Program Consent Decree

Briefing on the Sewer Repair, Replacement and Rehabilitation Program and the Washington Suburban Sanitary Commission's Activities to comply with a Consent Decree

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, concurred in the approach as outlined.

Mr. Mark Behe of the Washington Suburban Sanitary Commission (WSSC) discussed a comprehensive program to repair, replace, and rehabilitate the sewer system, to eliminate pollution of the groundwater, streams, and the Chesapeake Bay, as mandated by a consent decree from the Environmental Protection Agency. Since many of the effected sewer pipes are in stream valley parks and natural areas in forest conservation easements held by the Commission, Parks Department and Planning Department staff have been collaborating with WSSC on the program. A letter of agreement is being drafted related to coordinating activities and minimizing disturbance. In addition, retired Parks Department staff will be consulting on the project and serving as liaison.

Parks Department staff and Planning Department staff elaborated on the program, including the problems that will be corrected, the process, the role of staff, and the benefits that will be achieved for the environment.

There followed some discussion, with Mr. Behe and staff responding to questions from the Board and providing additional information as necessary.

4. Program of Requirements - Wheaton (Continuation from 11/15/2012)

The first phase report of a Program of Requirements for a new M-NCPPC Regional Headquarters Building in Montgomery County; it establishes a preliminary Space Program for the Commission's regional operations in Montgomery County, which includes the Commissioners' Office, Legal Counsels, the Planning Department, and part of the Department of Parks. The Space Program will be submitted to the County Council.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the first phase of the program of requirements, as recommended by staff.

In a continuation of the November 15 worksession on the first phase of the program of requirements for a new M-NCPPC Montgomery County Regional Headquarters Building in Wheaton, staff provided additional analysis and recommendations in response to questions raised by the Board. The four issues are the location of the Park Planning and Stewardship Division aquatics lab, inclusion of the Park Police administrative staff in the headquarters building, provision of a child day care facility, and projected staff growth.

Acting Park Police Chief Tony DeVaul elaborated on the desirability of moving the Park Police administrative functions to the headquarters building, and Mr. Drew Pasek, consulting architect for the County, offered comments on the process.

5. Clarksburg Child Day Care

Child Care Facility for 52 children and 6 staff members, 22929 Frederick Road approximately 2,300 feet south of Stringtown Road, R-200 Zone, Clarksburg Master Plan

***A. Preliminary Water Quality Plan: Clarksburg Child Care Center**

Staff Recommendation: Approval with Conditions

B. Special Exception S-2850: Clarksburg Child Care Center

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

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

Nay:

Other:

Action: A. Approved the staff recommendation to approve the preliminary water quality plan, as stated in the attached Board Resolution.

B. Approved the staff recommendation to approve the special exception and transmit comments to the Board of Appeals, as revised during discussion, as stated in the attached Letter of Transmittal.

Planning Department staff presented a special exception petition and associated preliminary water quality plan for a child day care facility for 52 children and 6 staff members in Clarksburg, as detailed in the respective staff reports. Staff made revisions to proposed condition 3 for the special exception and made corrections to the staff report. Staff also elaborated on the applicant's request for a waiver of 18 feet of the required 24-foot side-yard setback and discussed concerns raised by the community. Transportation Planning staff discussed safe turnings from and onto MD 355 associated with the use.

Ms. Casey Cirner, attorney, introduced the applicants and the applicant team, and elaborated on the proposal. She responded to questions from the Board about screening, buffering, and fencing. Mr. Steve Crum, the applicant's engineer, discussed grading, the driveway, the parking lot configuration, constraints on use of the area over the septic field, and the location of the public utilities easement and an associated tree loss. Mr. Carl Wilson, the applicant's traffic consultant, discussed the required State access permit for MD 355.

There followed extensive discussion of various issues, including the total number of children, the number of children outside at one time and the associated noise, time limitations for outside play, the type of fencing adjacent to the playground, the requested waiver of the side-yard setback, the landscape plan, the proposed front-yard sign and a requested variance, the parking lot, drop-off and pick-up of children, and safe turnings from/onto MD 355 and the potential for queuing on MD 355.

6. Mandatory Referral 2013010: NIH Animal Center, Dickerson Draft 2012 Master Plan

Review of the draft master plan and the draft environmental impact statement; 22763 Club Hollow Road, Dickerson, RDT Zone, Preservation of Agriculture & Rural Open Space Master Plan
Staff Recommendation: Transmit Comments to NCPC & NIH

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to approve the mandatory referral review of the draft master plan and draft environmental impact statement and transmit comments, as stated in the attached Letter of Transmittal.**

Planning Department staff presented the draft master plan and draft environmental impact statement for the National Institutes of Health (NIH) Animal Center in Dickerson, as detailed in the

staff report. The first master plan since 1996 for the site creates a 20-year vision and proposes development in four phases for the 513-acre campus.

Parks Department staff pointed out the location of the abutting Broad Run Stream Valley Park and areas identified on the Legacy Open Space Master Plan for future acquisition. Staff noted that approximately 133 acres of high-quality forest on the NIH property adjacent to the Broad Run have also been identified for potential park acquisition. The area is unimproved and is not planned for development in the draft master plan. Staff also discussed other items related to the Commission's role as an adjacent property owner, and noted some issues with maintenance of the perimeter fencing. These issues, staff said, have been discussed with NIH staff.

7. 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.

8. Revised CIP Transfers

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the revised Capital Improvements Program (CIP) Transfers discussed at the meeting.**

Parks Department staff briefly discussed the request to make the following CIP funds transfers from the Lake Needwood Modifications project to be reallocated as follows: i) \$200,340.86 to the Pollution Prevention project; ii) \$128,900 to the Stream Protection project; and iii) \$150,000 to the Woodlawn Barn Visitor Center project.

There followed a brief Board discussion with questions to staff.

9. Approval of the FY14 Proposed Budget for the Department of Parks and the Commissioners' Office - REVISED

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Following brief staff presentations, approved the FY14 Proposed Budgets for the Department of Parks and the Commissioners' Office, as submitted.**

10. Roundtable Discussion

National Pollutant Discharge Elimination System Program Status

Staff will update the Planning Board on the status of the National Pollutant Discharge Elimination System (NPDES) Program in the Department of Parks. This federally mandated (Environmental Protection Agency) and state administered (Maryland Department of the Environment) program focuses on reducing stormwater pollution and requires coordination across the Department. Parks obtained NPDES permit coverage for its Municipal Separate Storm Sewer System in 2010 and must annually report on its progress in meeting the goals of the permit.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion and questions to staff.

Parks Department staff noted that following a request from Commissioner Amy Presley at the October 11, FY14 budget worksession, Parks Department staff has prepared an executive summary of the Department of Parks' National Pollutant Discharge Elimination System (NPDES) Program and proposed FY14 budget initiatives. Staff noted that the Environmental Protection Agency (EPA) sets the regulations which are administered by the Maryland Department of Environmental Protection (DEP). Parks Department staff works with DEP staff on all aspects of stormwater management. Staff added that the new initiatives approved by the Planning Board for FY14 will allow staff to implement new programs and Best Management Practices that have been identified as to better steward the 35,630 acres of parkland in Montgomery County.

11. Worksession on Zoning Ordinance Rewrite

Overlay and Floating Zones – **REVISED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed the Overlay and Floating Zones and provided guidance to staff in a worksession in the context of the draft Zoning Ordinance Rewrite.