



**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, December 11, 2008, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:50 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre and Jean Cryor. Commissioner Amy Presley was necessarily absent.

Items 1-3, 13, and 4, taken up in that order, are reported on the attached agenda.

During discussion of Item 4, Compliance Program Stage III - Clarksburg Town Center, the Board recessed at 11:39 a.m. to convene 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 11:43 a.m. in the second floor Legal Department conference room, on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Alfandre, and Cryor present and voting in favor of the motion. Commissioner Presley 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 the Closed Session were Associate General Counsels Debra Daniel and David Lieb of the Legal Department; Development Review Chief Rose Krasnow of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with counsel on issues related to conditions of approval for the Clarksburg Town Center plans.

The Closed Session was adjourned at 12:00 p.m. and the Board reconvened in open session in the second floor conference room.

The Board reconvened in the auditorium at 12:05 p.m. and continued the discussion of Item 4, Compliance Program Stage III - Clarksburg Town Center.

The Board recessed at 2:10 p.m. for lunch and reconvened in the auditorium at 3:00 p.m. with all five Commissioners present.

Items 5 through 13 are reported on the attached agenda.

Item 6 was postponed.

Vice Chair Robinson left the meeting at 4:45 p.m. after discussion of Item 8, the Roundtable discussion.

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 18, 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, December 11, 2008**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

Group A: Five Commissioners Eligible to Vote [Commissioners Hanson, Robinson, Cryor, Alfandre, and Presley]

- i) Seventh Day Adventist Headquarters Site Plan 81986078B, ADOPTION OF RESOLUTION No. 08-128
- ii) Homecrest Phase II, Preliminary Plan 12007043A, ADOPTION OF RESOLUTION No. 08-139

Group B: Four Commissioners Eligible to Vote [Commissioners Hanson, Robinson, Alfandre, and Cryor]

iii) Great Falls Estates, Preliminary Plan 120080200, ADOPTION OF RESOLUTION No. 08-94

iv) Moore’s Addition to Woodburn, Preliminary Plan 120080060, ADOPTION OF RESOLUTION No. 08-113

**BOARD ACTION**

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

**Vote:**  
    **Yea:**                    **A. 4-0**  
                                     **B. 4-0**

**Nay:**

**Other:**                    **PRESLEY ABSENT**

**Action:**                    **A. Adopted the Resolutions in Group A, above.**  
                                     **B. Adopted the Resolutions in Group B, above.**

**2.      Record Plats**

**Subdivision Plat No. 220081380 - 220081390, Baldwin Landing**

R-90/TDR zone; 42 lots, 3 parcels; located in the northeast quadrant of the intersection of Yellowstone Way and Chieftain Avenue; Shady Grove

*Staff recommendation: Approval*

**Subdivision Plat No. 220090290 – 220090300, 220090580, George Meany Center for Labor Studies**

O-M and R-90 zones; 2 lots; located on the west side of New Hampshire Avenue (MD 650) at the terminus of Powder Mill Road; White Oak

*Staff Recommendation: Approval*

**Subdivision Plat No. 220070910, R. Holt Easley’s addition to Silver Spring**

CBD-1 zone; 1 lot; located in the southwest quadrant of the intersection of Thayer Avenue and Fenton Street; Silver Spring CBD

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **ROBINSON/ALFANDRE**

**Vote:**  
    **Yea:**                    **4-0**

**Nay:**

**Other:           PRESLEY ABSENT**

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

**3.     Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:           There were no Consent Items submitted for approval.**

**13.   Approval of Minutes - ADDED**

- Minutes, MCPB October 2, 2008
- Minutes, MCPB November 6, 2008
- Minutes, MCPB November 10, 2008

**BOARD ACTION**

**Motion:           ALFANDRE/ROBINSON**

**Vote:**

**Yea:             4-0**

**Nay:**

**Other:**

**Action:           Approved minutes as presented.**

**4. Compliance Program Stage III - Clarksburg Town Center  
Continuation of Worksession held: MCPB November 6, 2008**

**(No oral testimony. Additional written testimony or comments must be received by  
Wednesday, December 10, 2008 12:00 Noon.)**

- A. Project Plan Amendment No. 81994004B - Clarksburg Town Center
- B. Final Water Quality Plan No. 820070220, and Preliminary Plan No. 11995042B - Clarksburg Town Center
- C. Site Plan Review No. 820070220 - Clarksburg Town Center

Request to approve 194,720 gross square feet of commercial development, (including up to 48,000 square feet of specialty retail within live/work units); and 1,213 residential dwelling units, including 152 MPDUs, and a waiver to permit a reduction of parking spaces for the west side; on approximately 270 acres. Located at the southeast quadrant of the intersection with Clarksburg Road and Snowden Farm Parkway in the Clarksburg Master Plan

**BOARD ACTION**

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

**Vote:**

**Yea:            A. 4-0  
                  B. 4-0  
                  C. 4-0**

**Nay:**

**Other:         PRESLEY ABSENT**

**Action:         A. Approved the staff recommendation to approve the Project Plan amendment, subject to revised conditions, as stated in the attached Board Resolution.  
                  B. Approved the staff recommendation to approve the Final Water Quality Plan and Preliminary Plan amendment, subject to revised conditions, as stated in the attached Board Resolution.  
                  C. Approved the staff recommendation to approve the Site Plan amendment, subject to revised conditions, as stated in the attached Board Resolution.**

In a continuation of the November 6 hearing, Development Review staff presented additional information, analysis, and final recommendations on outstanding issues, including parking ratios, requirements, and configuration; the retail center size, design, and function, including the depth of retail stores; modifications to the residents club/community center; landscaping requirements; and architectural design and standards. Staff distributed a revised list of conditions for all four plans.

There followed extensive discussion of the various aspects of the submitted plans in terms of compliance with the Zoning Ordinance and the Compliance Program. Mr. Steve

**4. Compliance Program Stage III - Clarksburg Town Center**

Kaufman and Mr. Todd Brown, attorneys, and Mr. Douglas Delano, Mr. John Torti, and Mr. Robert Gibbs, representing the applicant; Mr. David Brown, attorney, Ms. Kim Shiley, and Mr. John Eisen, representing the Clarksburg Town Center Advisory Committee; and Mr. Greg Leck, representing Montgomery County Department of Transportation (DOT) on the issue of the library and associated parking, participated in extensive discussion with the Board, providing additional information and responding to questions as needed.

In discussion, the Board made various modifications to the staff recommendations, which were incorporated into the Board actions.

**5. Local Map Amendment No: G-849 (Remand) and Associated Revised Schematic Development Plan, Fifty LLC**

Rezoning request from the R-90 Zone to the RT-8 Zone for 39 townhouse units, located at North side of Darnestown Road, approximately 400 feet west of the intersection of Darnestown Road & Travilah Road, Gaithersburg

*Staff recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/ROBINSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation of approval, subject to modifications discussed during the meeting, and as stated in the attached transmittal letter.**

In keeping with the December 1 detailed technical staff report, Development Review Division staff offered a brief presentation.

Ms. Stacy Silber, attorney representing the applicant, concurred with the staff recommendation.

Mr. Martin Klauber, the People's Council offered comments.

Ms. Judy Koenick of Chevy Chase offered testimony.

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

**6. Georgia Avenue Concept Study - POSTPONED**

Review of the draft report

*Staff recommendation: Approval to transmit the final report to the County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**13. SilverPlace - ADDED  
(Continuation of MCPB 12/04/08 agenda item)**

Supplemental Appropriation to the M-NCPPC FY 09 Capital Budget and Amendment to the FY 09-14 Capital Improvements Program

SilverPlace, located at 8787 Georgia in the Silver Spring CBD, will feature a new consolidated headquarters for the Maryland-National Capital Park and Planning Commission, housing, and outstanding public spaces. It will be developed in accordance with a plan established through a community design charrette in June 2008. The project scope, cost, and schedule will be presented as the basis of the funding request

*Staff recommendation: Approval to transmit funding request to County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing from Parks Department staff and Legal Counsel to the Board, discussed the project's proposed cost, the supplemental appropriation, the impact on the FY09 Capital Budget and Amendment to the FY09-14 Capital Improvement Program, and approved the scope of the Project Description Form (PDF) request.**

**7. Discussion: Intercounty Connector Non-Native Invasive Species Task Force Report**

**(No public testimony will be taken at this time)**

Presentation of findings of the interagency Non-Native Invasive Species Task Force. Proposed work plan with State Highway Administration and Maryland Transit Authority to reduce the threat of non-native invasives and funding for long-term management of forest protection.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Board discussion.**

In accordance with the November 26 technical staff report, Parks Department staff offered a detailed multi-media presentation on the Non-Native Invasive Species Task Force Recommendations. Staff noted that this item is for discussion by the Board and no immediate action is required. Staff discussed at length the concerns raised by non-native invasives in parkland and along the InterCounty Connector (ICC). Staff also discussed the proposed final Environmental Impact Statement (EIS) to be prepared by State Highway Administration (SHA) and the Maryland Transit Authority (MdTA) for the ICC.

Chairman Hanson recommended that staff pursue the research of grant funding as the budget situation will not permit the Commission to finance this project. He also added that it might be worth thinking about this as a forestation project, and we may need to seek special funding from the State. He further instructed staff to schedule a meeting with John Griffin of the Department of Natural Resources (DNR) to discuss possible funding.

**8. Roundtable Discussion**

**(No public testimony will be taken at this time)**

- A. ICC Project Status Report #16
- B. Commissioners' Report
- C. Director's Report
- D. County Council Activity
- E. Kensington Sector Plan
- F. Montgomery Parks Foundation



**BOARD ACTION**

**Motion:** F. CRYOR/ROBINSON

**Vote:**

**Yea:** F. 5-0

**Nay:**

**Other:**

**Action:** F. **Approved dissolution of the Montgomery Parks Foundation (MPF) as of December 31, 2008, or any other date suggested by the Foundation's Board of Trustees during the scheduled MPF December 29 meeting.**

**A. ICC Project Status Report #16:** Transportation Planning and Parks Development Divisions staff briefed the Board on the status of the activities that have occurred since staff last status report on July 24. Staff reported on the properties that have been acquired by State Highway Administration in the process, and noted that staff is closely monitoring the project and is working on a Memorandum of Understanding (MOU) related to the environmental stewardships projects. The Georgia Avenue Busway coordination was briefly discussed.

**B. Commissioners' Report:** None

**C. Director's Report:** None

**D. County Council Activity:** None

**E. Kensington Sector Plan:** Received briefing from Community-Based Planning and Transportation Planning Divisions staff regarding the Kensington Sector Plan Status Report.

**F. Montgomery Parks Foundation (MPF):** Chairman Hanson reported that the Planning Board agrees with the Montgomery Parks Foundation's recommendation that the Foundation be dissolved, as supported by the Board of Trustees, and staff has prepared a draft letter addressed to the Foundation's President giving the Planning Board's agreement.

The Parks Department's Director or the Deputy Director will attend the scheduled December 29 MPF meeting in the Chairman's absence.

**9. Extension Request: Preliminary Plan No. 120050570, Lake Potomac**

RE-2 zone; 4.11 acres; 2 lots previously approved for 2 one-family detached residential dwellings, one existing to remain; request for 2-year extension of the preliminary plan validity period; located on Lake Potomac Drive, 600 feet northeast of River Road; Potomac

*Staff recommendation: Grant 8-month extension until April 6, 2009*

**BOARD ACTION**

**Motion:** CRYOR/ALFANDRE

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

**Action: Following a brief presentation by Development Review Division staff, approved staff recommendation for approval of an 8-month extension of the validity period to April 6, 2009.**

Mr. Dean Packard, engineer representing the applicant, concurred with the staff recommendation.

**10. Preliminary Plan No. 120061250, Montrose - REVISED**

I-4 zone; 0.27 acres; 1 lot requested; 1,206 square feet of existing commercial use to remain; located on Maple Avenue, 350 feet south of Randolph Road; North Bethesda-Garrett Park

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ALFANDRE/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

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

In keeping with the November 6 detailed technical staff report, Development Review Division staff gave a brief presentation of the request to create one lot on a 0.27-acre property located on Maple Avenue, 350 feet south of Randolph Road in North Bethesda/Garrett Park.

Mr. Dean Packard, engineer representing the applicant, concurred with the staff recommendation.

**11. Preliminary Plan No. 120080100, Winbrook**

R-60 zone; 0.95 acres; 3 lots requested; 3 one-family detached dwelling units; located on the south side of Plyers Mill Road, 100 feet east of Cascade Road; Kensington-Wheaton

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** PRESLEY/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ROBINSON ABSENT

**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 three lots on a 0.95-acre property located on the Southside of Plyers Mill Road, 100 feet east of Cascade Road in Kensington/Wheaton.

Mr. Russell Reese, engineer representing the applicant, concurred with the staff recommendation.

Messrs. Nick Carrescla of Plyers Mill Road, abutting property owner, and Robert Delemarre of Dunkirk Drive offered testimony.

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

**12. Preliminary Plan No. 120080300, Kenilworth, North Chevy Chase (Resubdivision)**

R-60 zone; 0.36 acres; 2 lots requested; 2 one-family detached dwelling units, 1 existing to remain; located on Clifford Avenue, 410 feet north of Kenilworth Driveway; Bethesda-Chevy Chase

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ALFANDRE/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ROBINSON ABSENT

**Action:** Approved staff recommendation for approval, subject to revised conditions discussed at the meeting, and as stated in the attached Board Resolution.

In keeping with the November 25 detailed technical staff report, Development Review Division staff presented the request to create two lots for two single-family detached dwelling units on a 0.36-acre property located on Clifford Avenue, 410 feet north of Kenilworth Driveway in Bethesda/Chevy Chase. Staff distributed a list of revised conditions during the meeting.

Mr. James Ochs, engineer representing the applicant, concurred with the staff recommendation.

The following speakers offered testimony: Ms. Susan Brusilow of Clifford Avenue; Ms. Josie Kelly of Hutch Place, Mr. Robert Weesner, Village Manager of the Village North of Chevy Chase; Mr. Joseph Suarez of Clifford Avenue, abutting property owner; and Ms. Carolyn Martin of Clifford Avenue, abutting property owner.

Mr. Chris McGraff, the applicant, proffered to transplant the trees and shrubs planted by the abutting property owners at no cost to them.

There followed a brief Board discussion and questions to staff, the applicant's representative, and the speakers.