



**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 19, 2013, at 9:17 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:36 p.m.

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

Items 1, 7, and 4, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 11:13 a.m., and to take up Items 12, 13, and 14 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 11:32 a.m. in the 3rd floor conference room, on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, Annotated Code of Maryland, State Government Article §10-508(a)(7) to consult with counsel to obtain legal advice, and Annotated Code of Maryland, State Government Article, §10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin, David Lieb, Megan Chung, and Nicholas Dumais of the Legal Department; Director Gwen Wright and Deputy Director Rose Krasnow of the Planning Department; Deputy Director Michael Riley and Bill Gries of the Parks Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board approved Planning Board Closed Session Minutes, received updates from Parks Department and Planning Department staff regarding the proposed acquisition of parkland, and received briefing and guidance from legal counsel regarding the proposed project plan for 8001 Newell Street scheduled for discussion during the afternoon session of the Planning Board meeting.

The Closed Session meeting was adjourned at 12:45 p.m.

The Board reconvened in the auditorium at 1:07 p.m.

Items 6, 2, 3, and 8 through 11, taken up in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:36 p.m. The Planning Board will be in recess for Christmas and New Year. The next regular meeting of the Planning Board will be held on Thursday, January 9, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison  
Technical Writer

M. Clara Moise  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, December 19, 2013**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Resolutions submitted for adoption.**

**\*B. Record Plats**

**Subdivision Plat No. 220100040, Norbrook Village**

RE-2 zone; 2 lots & 1 outlot; located on the south side of Ampeg Lane, 700 feet southeast of Old Baltimore Road; Olney Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220111390, Finlandia**

RE-2 zone; 2 lots; located on the south side of Hawkins Creamery Road, 500 feet southeast of Silver Crest Drive; Damascus Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220130820, Valley Stream Estates**

R-200 zone; 1 lot; located at the terminus of Red Cedar Lane, 550 feet northeast of Red Cedar Drive; Fairland Master Plan

*Staff Recommendation: Approval*

**Subdivision Plat No. 220131170, Grove Hill Farm Estates**

RC zone; 1 lot; located on the east side of New Hampshire Avenue (MD 650), approximately 1,400

feet northwest of Haviland Mill Road; Sandy Spring-Ashton Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220131260, Needwood Hills**

RE-1 zone; 1 lot; located in the southwest quadrant of the intersection of Muncaster Mill Road (MD 115) and Needwood Road; Upper Rock Creek Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220131460, Edgemoor**

TS-R zone; 1 parcel; located in the northeast quadrant of the intersection of Arlington Road and Hampden Lane; Bethesda CBD Sector Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220131520, Tomahawk Estates**

RDT zone; 1 lot; located on the west side of Burnt Hill Road, approximately 3,200 feet northeast of Snowden Farm Parkway; Damascus Master Plan.

*Staff Recommendation: Approval*

**\*B. Record Plats**

CONTINUED

**Subdivision Plat No. 220140310, Kentsdale Estates**

RE-1 zone; 1 lot; located on the east side of Falls Road (MD 189), 450 feet south of Bells Mill Road; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Record Plats cited above, as submitted.**

**\*C. Other Consent Items**

**1. Layhill Overlook/Vedanta Center: Site Plan Amendment 82008016C** - Request to modify an approved Site Plan for minor changes necessitated by site conditions and discovered through an enforcement action. Changes include a modification to a fence on the north side of the property; revisions to the landscape plan to match the approved Forest Conservation Plan; and the addition of a

monument sign. Located on Bel Pre Road, 350 feet east of Homecrest Road; PD-2 Zone; Aspen Hill Master Plan.

*Staff Recommendation: Approval and Adoption of Resolution*

**2. Barton Property: Preliminary Plan Amendment No. 12011021A** - Request to amend condition of approval No. 2b of the approved Preliminary Plan to allow the applicant the flexibility to meet the off-site planting requirement anywhere in the county, located on the south side of Brooke Knolls Road opposite the intersection with Barton Manor Lane, 2.84 acres, R-200 Zone, Upper Rock Creek Area Master Plan

*Staff Recommendation: Approval of the Preliminary Plan Amendment and Adoption of Resolution*

**3. Boswell’s Addition to Riding Stable Estates (Previously approved for three lots): Preliminary Plan No. 12008008A** - Request to revise a condition of approval related to the forest easement to be recorded to protect off-site forest, located at 15615 Riding Stable Road, 4.87 acres, RE-1 Zone, Patuxent Policy Area and Fairland Master Plan

*Staff Recommendation: Approval subject to amended conditions and Adoption of Resolutions*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Other Consent Items cited above.**

**\*D. Approval of Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Planning Board Meeting Minutes submitted for approval.**

**7. White Oak Science Gateway Master Plan**

Discuss options to address County Council letter (10/2/13) regarding Master Plan balance and other requested changes to the Planning Board Draft of the Plan.

*Staff Recommendation: Discuss and provide direction to staff*

**BOARD ACTION**

**Motion:**                    **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                    **3-0-2**

**Nay:**                    **CARRIER, WELLS-HARLEY**

**Other:**

**Action:**            **Received briefing followed by Board discussion, and provided guidance to staff.**

Planning Department staff discussed the White Oak Science Gateway Master Plan proposed amendments and language modifications that were approved during the Planning Board hearing on December 12, 2013, in response to a letter received from the County Council regarding Master Plan balance and other requested changes to the Planning Board Draft of the Plan. Staff reviewed the Board of Education proposed language changes and the Transportation Policy Area Review (TPAR) analysis modifications.

The Planning Board discussed the definition of rapid transit, and the correlation to the Bus Rapid Transit (BRT), instructing staff to modify language regarding separate interchanges, and to remove the reference to Route 29 as a limited access facility. The Board inquired about traffic monitoring for Science Gateway employees, residents, and retail patrons, instructing staff to remove retail from the Mode Share Goal because there is not a defined mechanism to collect such data.

Mr. Greg Ossont of the Montgomery County Department of General Services (DGS) discussed language in the Draft Plan that references pro rata share towards the completion of transportation infrastructure, noting that the expense quantity is currently unknown. Mr. Ossont stated that preferred language proposed by DGS referred to the project as an equitably shared transportation cost program to avoid inference to a cost above the requirements of TPAR and Local Area Transportation Review (LATR).

The Board extensively discussed Draft Plan language regarding the Subdivision Staging Policy (SSP), automobile speed, and impact fees, and instructed staff to include language that will identify the use of funding collected from impact taxes.

Chair Carrier and Vice Chair Wells-Harley did not support the motion stating concern that the proposed modifications do not effectively convey the Planning Board Draft of the Plan as previously discussed.

**4. Special Exception S.E. 14-03, Mis Primeros Pasitos Family Day Care: 9,162-square foot lot, R-60 Zone**

Request for a special exception to increase the number of children served at the existing child care facility from eight (8) to twelve (12). Located at 2311 Dennis Avenue, Silver Spring, within the 1989 Communities of Kensington-Wheaton Master Plan

*Staff Recommendation: Approval with conditions*

**(Action required for hearing by the Hearing Examiner on January 13, 2014)**

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the Special Exception for Mis Primeros Pasitos Family Day Care, subject to conditions, as stated in the attached transmittal letter to the Hearing Examiner.**

Planning Department staff offered a multi-media presentation and discussed the special exception request to expand the existing Mis Primeros Pasitos Family Day Care located on Dennis Avenue in Silver Spring. The applicant has requested to increase the number of children allowed for enrollment to a maximum of 12 and to have the requirement to provide four off-street parking spaces waived. Staff noted the existence of a parking pad at the subject property, and ample on-street parking on Gardiner and Dennis Avenue.

Mr. Humberto Losada, the applicant, offered comments and answered questions from the Planning Board.

The Board discussed the applicant's request to waive the requirement for four parking spaces noting that the existing parking pad is for residents at the subject property. A waiver of the four parking spaces would eliminate parking for staff and parent drop-off and pick-up of children enrolled at the day care. The Board instructed staff to include this information in the transmittal letter to the Hearing Examiner.

Staff discussed the parking requirements for the day care noting that, because this is a family day care facility with less than 13 children, parking is only required for the staff members.

**5. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto (Wheaton) - **CANCELLED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

---

**12. Closed Session**

Pursuant to State Government Article, Annotated Code of Maryland §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter (Approval of Closed Session Minutes)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**13. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (Newell Street Project Plan appeal)

**BOARD ACTION**

**Motion:**



**Vote:**

**Yea:**

**Nay:**

**Other:**

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

---

**14. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**6. Little Bennett Regional Park**

Authorization to acquire 17.99 acres, more or less, unimproved, from Chuntung Changchien Revocable Trust, et al, located on the west side of Clarksburg Road, at its intersection with Snowden Farm Parkway, Clarksburg, MD 20871.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** DREYFUSS/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Following a brief presentation by Parks Department staff, approved staff recommendation to authorize the acquisition of 17.99 acres, more or less unimproved, from Chuntung Changchien Revocable Trust, et al, located on the west side of Clarksburg Road, at its intersection with Snowden Farm Parkway in Clarksburg, Maryland, as discussed in closed session during last week Planning Board meeting.

**\*2. 8001 Newell Street: Site Plan Review No. 820140020**

CBD-1 Zone and Ripley/South Silver Spring Overlay Zone, 0.94 acres, 159,915 square feet of development for 3,100 square feet of retail and a maximum of 187 multi-family residential units, including 12.5% MPDUs; located in the southeast quadrant of the intersection with Eastern Avenue and Newell Street, Silver Spring CBD

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**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 December 6 technical staff report, Planning Department staff offered a multi-media presentation and discussed the proposed site plan request for 8001 Newell Street, including the revised conditions of approval. Staff noted that the proposed project will be in the Ripley/South Silver Spring Overlay Zone, and will include the demolition of an existing one story self-storage building, and the redevelopment of the site with a seven-story building which will house 156,815 square feet, or 187 multi-family residential dwelling units, including 12.5 percent Moderately Priced Dwelling Units (MPDUs), and 3,100 square feet of retail uses, on a 1.2-acre property located in the southeast quadrant of the intersection of Newell Street and Eastern Avenue in the Silver Spring Central Business District (CBD). The proposed building will be 74 feet tall with underground parking. The property is within walking distance of the Silver Spring Transit Center, which will accommodate the Silver Spring Metro station, local and regional bus lines, an existing commuter train station, and the future Purple Line station. The District of Columbia boundary is Eastern Avenue. The on-site public use space will be located at the corner of Newell Street and Eastern Avenue. It will be an approximately 7,700 square-foot pocket park that is predominantly green, incorporating lawn, trees, shrubs, perennials, artworks, and stormwater best management practices. This will provide a 60-foot wide

buffer between the proposed building and Eastern Avenue, providing a green buffer between the Silver Spring CBD and the single-family residential homes on the District of Columbia side of Eastern Avenue.

Ms. Anne Mead, attorney representing the applicant, concurred with the staff recommendation, and requested a modification to the condition related to the noise level, and provided examples of other cases where the condition was modified at the applicant's request.

In reply, Planning staff noted that this condition should not be modified in this case.

Ms. Trini Rodriguez, architect for the applicant, discussed the proposed public space and art work.

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

### **3. Clarksburg Limited Master Plan for the Ten Mile Creek Watershed - Review Proposed Zoning Recommendations Addressing Impervious Cover**

*Staff Recommendation: Provide Direction to Staff and Transmit to County Executive and County Council*

#### **BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 3-0-2**

**Nay: CARRIER/ANDERSON**

**Other:**

**Action: Approved staff recommendation to transmit the Clarksburg Limited Master Plan for the Ten Mile Creek Watershed, including review of the proposed zoning recommendations addressing the impervious cover, to the County Executive and the County Council, as stated in the attached transmittal letter.**

Planning Department staff discussed the proposed Environmental Overlay Zone recommendations addressing the impervious cover, and noted that to protect the water quality in the environmentally sensitive Ten Mile Creek watershed, the Amendment Land Use and Zoning recommendations include specific limits on imperviousness. Planning staff has drafted language for an Environmental Overlay Zone to implement the recommended imperviousness limits. This recommendation, with any changes/revisions suggested by the Planning Board, will be forwarded to the County Council to consider along with the Planning Board Draft Plan for the Ten Mile Creek watershed. Staff evaluated two options for implementing the imperviousness limit: the first was an amendment to the relevant text of the applicable zone development standards, which would require new preliminary plans to propose total impervious areas that did not exceed any such limits imposed by an approved and adopted master plan; the second was an environmental overlay zone like the ones created for the Upper Paint Branch and Upper Rock Creek watersheds.

Ms. Emily Vaias, attorney, offered comments.

There followed extensive Board discussion with questions to staff.

Chair Carrier and Commissioner Anderson dissented stating that they would prefer to have a definite cap established for the impervious cover, and a 10 percent limit on any waiver request.

## **8. Addressing and Street Naming Guidelines and Procedures**

*Staff Recommendation: Briefing and discussion of Draft Guidelines*

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

Planning Department staff briefed the Board on the proposed “Addressing and Street Naming Guidelines and Procedures” document prepared by staff. Staff discussed the overview of the document and the methodology for naming and addressing properties in Montgomery County. Staff noted that the purpose of assigning street addresses and numbers is to develop, implement, and maintain a consistent, safe, useful, and standardized addressing system. The Planning Department has been assigning street names and address numbers in Montgomery County since the 1950s, and the document will provide guidance to staff, developers, and the general public on the requirements and guidelines for naming new public and private streets, assigning addresses to properties and buildings, and changing street names and/or address numbers. Staff also noted the use of GIS technology to store and share street names and addresses for buildings and other site features.

Ms. Vicky Kline of the Montgomery County Department of Technology/GIS offered comments and noted that she has reviewed the document and offered input.

There followed a brief Board discussion with questions to staff and Ms. Kline.

## **9. Glenmont Sector Plan Sectional Map Amendment**

Request permission to file a Sectional Map Amendment to implement the recommendations of the Approved and Adopted Glenmont Sector Plan

*Staff Recommendation: Approve Request to File*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ANDERSON TEMPORARILY ABSENT**

**Action: Following a brief staff presentation, approved staff recommendation to approve the request to file a Sectional Map Amendment to implement the recommendations of the Approved and Adopted Glenmont Sector Plan.**

**\*10. Halpine View: Limited Preliminary Plan No. 11964054A**

Request to abandon the unimproved Aspen Hill Road Extended right-of-way and consolidate lot lines; located on the east side of Twinbrook Parkway between Halpine Road and approximately 2,000 feet southwest of Veirs Mill Road; R-30 Zone, North Bethesda/Garrett Park Master Plan area.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the preliminary plan request cited above, subject to revised conditions, and as stated in the attached Resolution.**

Planning Department staff discussed the request by Halpine Park LLC, the applicant, to abandon the undeveloped Aspen Hill Road Extended right-of-way, and to incorporate this area by plat back into a lot on the subject property, located on the northeast quadrant of the intersection of Twinbrook Parkway and Halpine Road. The property is currently occupied by a 564-unit garden apartments complex. Staff supports the request with the conditions listed in the December 6 technical staff report, which would allow abandonment of the unbuilt road extended right-of-way, pursuant to Section 49-68 of the County Code.

Ms. Anne Mead, attorney representing the applicant, offered brief comments, answered questions from the Board, and concurred with the staff recommendation.

**11. Arcola Elementary School Addition: Mandatory Referral No. MR2014023**

Request to add a six classroom, two-story addition to the existing school located at 1820 Franwall Avenue, Wheaton, R-90 Zone, 5-acre lot, Master Plan for the Communities of Kensington-Wheaton

*Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools (MCPS)*

**BOARD ACTION**

**Motion:**                   **ANDERSON/DREYFUSS**

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

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

Planning Department staff discussed the proposed mandatory referral request from Montgomery County Public Schools (MCPS), which proposes to build a two-story addition, approximately 5,066 square feet, for five classrooms and ancillary space to address the increased in student enrollment at Arcola Elementary School located on Franwall Avenue in Wheaton. Staff recommends approval of the proposed request by the Planning Board, with the following comments to be forwarded to MCPS: i) the applicant must obtain a park construction permit from the Maryland National Capital Park and Planning Commission (M-NCPPC) for all construction activity, including the fenced construction staging area, and the fenced recess area on the adjacent parkland; and ii) the construction activity will be enforced during the park construction permit process under the guidance of the Park Development Division of the Department of Parks.

At the Board's request, Mr. Craig Shuman of MCPS offered comments and answered questions from the Board.

Chair Carrier thanked MCPS staff on behalf of the Planning Board and the Planning Department for the opportunity to review this project.