



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, January 17, 2019, at 12:00 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:05 p.m.

Present were Chair Casey Anderson and Commissioners Natali Fani-González and Gerald R. Cichy.

Vice Chair Norman Dreyfuss and Commissioner Tina Patterson were necessarily absent.

Items 1 through 6 are reported on the attached agenda.

Items 3 and 7 were removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 2:05 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 24, 2019, in the Montgomery Regional Office in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read 'M. Clara Moise', written in a cursive style.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, January 17, 2019
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. The Crescent at Chevy Chase Preliminary Plan 120180150 – MCPB No. 18-128
2. The Crescent at Chevy Chase Site Plan 820180130 – MCPB No. 18-129
3. Solera Reserve Kensington Preliminary Plan 120180220 – MCPB No. 18-137
4. Solera Reserve Kensington Site Plan 820180180 – MCPB No. 18-138
5. Priddy Property Preliminary Plan 120170160 – MCPB No. 18-133
6. Pooks Hill (Potter Property) Preliminary Plan 120180200 – MCPB No. 18-139

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PATTERSON ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220181090, Kenwood, Section 3
R-90 zone, 1 lot; located on the north side of Woodlawn Avenue, 300 feet east of Highland Drive Road; Bethesda Chevy Chase Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220190380, Chevy Chase Manor
R-60 zone, 1 lot; located on Pomander Lane, 175 feet Southwest of Winnett Road; Bethesda Chevy Chase Master Plan.
Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PATTERSON ABSENT

Action: Approved the Record Plats cited above, as submitted.

***C. Other Consent Items**

Norbeck Country Club Limited Amendment No. CBA-2724-C (In response to a Forest Conservation violation) --- Request to relocate 3.90 acres of M-NCPPC Conservation Easement onsite. Located at 17200 Cashell Road; RE1 Zone; Olney Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the proposed Limited Amendment cited above, subject to conditions, and adopted the attached Resolution.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

~~3*. **Park Facility Plan** -- Edith Throckmorton Neighborhood Park Facility plan for the renovation of a 0.19-acre park, located at 3925 Hampden Street, Kensington Sector Plan and Kensington-Wheaton Master Plan areas.~~

~~Staff Recommendation: Approve facility plan and cost estimate -- POSTPONED~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was postponed.**

4. General Plan Update progress briefing

Staff Recommendation: Receive briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff noted that since the last Planning Board briefing on the General Plan Update on July 27, 2018, staff has been working to lay the ground work for the update and will summarize the status of the Plan and the work done by the consultants. Staff then introduced Ms. Deana Rhodeside and Ms. Jennifer Koch of Rhodeside & Harwell consulting firm who offered a multi-media presentation and discussed updates to the General Plan.

The consultants noted that they gathered data and work on establishing a strategic framework for the Plan following 23 individual and group interviews with more than 75 leaders from various county governments, including the County Council, the Planning Board, Planning Department staff, and regional entities such as Washington Suburban Sanitary Commission (WSSC) and the Metropolitan Washington Council of Governments (MWCOC) about their views regarding big picture trends, uncertainties, and threats that could shape the future of the county and the region. The consultant team synthesized all the comments received and created several options for some themes or concepts to define what should be the major focus of the update. On December 10, 2018, the consultants presented the draft framework to a group of six experts from Montgomery County and the region to get their ideas and comments about the conceptual framework for the Plan update and discussed a summary of these comments and the result of the deliberations by the expert panel.

Following a brief Board discussion with questions to staff and the consultants, staff noted that they will continue to work with the consultants to finalize the framework and comprehensive communications strategy that will guide the work of the team working on the Plan Update in 2019 and beyond. The consultant's work is expected to be completed in the next few weeks. Staff will then prepare a detailed Scope of Work for the Plan and present it to the Board for review and approval in March 2019.

5. Shady Grove Station, Preliminary Plan No. 12012008E and Site Plan No. 82013022E

A. Preliminary Plan No. 12012008E: Request to modify building types while maintaining the approved number of MPDUs and Workforce Housing Units and altering the lot and block layout; 90.34 acres of land in the CRT-1.0 C-0.25 R-0.75 H-90T (TDR 0.89 Overlay) Zone and CRT-0.75 C-0.25 R-0.5 H-60T (TDR Overlay 0.6); located at the southwest quadrant of the intersection of Shady Grove Road and Crabbs Branch Way; within the 2006 Shady Grove Sector Plan
Staff Recommendation: Approval with conditions

B. Site Plan No. 82013022E: Request to modify building types while maintaining the approved number of MPDUs and Workforce Housing Units and altering the lot and block layout; 90.34 acres of land in the CRT-1.0 C-0.25 R-0.75 H-90T (TDR 0.89 Overlay) Zone and CRT-0.75 C-0.25 R-0.5 H-60T (TDR Overlay 0.6); located at the southwest quadrant of the intersection of Shady Grove Road and Crabbs Branch Way; within the 2006 Shady Grove Sector Plan area.
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. FANI-GONZÁLEZ/CICHY**
 B. FANI-GONZÁLEZ/CICHY

Vote:
 Yea: **A. & B. 3-0**

Nay:

Other: **DREYFUSS & PATTERSON ABSENT**

Action: **A. Approved staff recommendation for approval of the Preliminary Plan request cited above, subject to revised conditions discussed at the meeting, and as stated in the attached adopted Resolution.**

B. Approved staff recommendation for approval of the Site Plan request cited above, subject to revised conditions discussed at the meeting, and as stated in the attached adopted Resolution.

In accordance with the January 7 technical staff report, Planning Department staff offered a multi-media presentation and discussed Preliminary and Site Plan requests to replace a multi-family building of 202 units and 69 townhouse units, with 55 townhouses and 100 two-over-two townhouse units, which requires the subdivision of the multi-family lot and several other lot, block and road adjustments. Staff noted that the amendment results in one fewer market rate unit, but the applicant is still proposing to provide 211 Moderately Priced Dwelling Units (MPDUs) and 167 Work Force Housing Units (WFHUs). The 90.34-acre property is located at the southwest quadrant of the intersection of Shady Grove Road and Crabbs Branch Way within the Shady Grove Sector Plan area.

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5. Shady Grove Station, Preliminary Plan No. 12012008E and Site Plan No. 82013022**CONTINUED**

Staff also noted that the proposed amendments to the project are consistent with the intent and objectives of the Shady Grove Sector Plan. The Shady Grove Station development will continue to provide a mixed-use and transit-oriented development on an under-utilized site, offering a variety of housing options to a wide range of incomes, advancing the recommendations of the Shady Grove Sector Plan, and supporting the Montgomery County Executive's Smart Growth Initiative. The proposed amendments do not request any change that increases the approved number of dwelling units or height; do not prevent circulation on any street or path; and do not make major modifications to lot configuration, right-of-way width or alignment.

Staff then briefly discussed minor revisions and corrections to the conditions of approval for both Plans and added that the applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan, approved as part of the Preliminary Plan. Staff also noted that no correspondence regarding these Plans was received by staff.

Mr. Phillip Hummel, attorney representing the applicant, EYA/CSP Associates, introduced Mr. McLean Quinn of EYA/CSP Associates and Mr. Michael Goodman, members of the applicant's team, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Hummel.

6. Enforcement Hearing: Montgomery County Planning Department v. Christopher J. Erb

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 3-0

Other: DREYFUSS & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the recommended order by the Montgomery County Administrative Law Judge.

At the onset of the hearing, Legal Counsel to the Planning Board noted that according to the Rules of Procedures for the meeting, the Respondent and the attorney representing the Planning Department will each have ten minutes to present their case.

Mr. Nicholas Dumais, attorney representing the Planning Department, noted that following a recommended order by Montgomery County Administrative Law Judge Richard O'Connor on March 5, 2018, Mr. Christopher J. Erb, the Respondent, has been ordered to pay an administrative civil penalty of \$6,552.00 in response to a violation of the Montgomery County Forest Conservation Law. Mr. Dumais explained that on December 29, 2017, the Montgomery County Planning Department (MCPD) of The Maryland-National Capital Park and Planning Commission (M-NCPPC) issued a Notice of Hearing to the Respondent for violation of the Montgomery County Forest Conservation Law by cutting and clearing approximately 9,600 square feet of forest on his property without prior approval of a forest conservation plan by MCPD and by failing to pay the fines and complete remedial action as required in Administrative Citation # EPD000332, issued to the Respondent on October 2, 2017.

Mr. Dumais added that on February 13, 2018, a hearing was held at the M-NCPPC offices at 8787 Georgia Avenue, at which the Respondent participated without representation. On February 15, 2018, the Respondent telephoned the Office of Administrative Hearings and spoke with a secretary requesting that he be allowed to submit additional evidence. The request was denied on February 17, 2018 by MCPD because the Notice of Hearing had provided the Respondent with the hearing procedures in specific detail. A secretary informed the Respondent of the decision.

Mr. Dumais recommended that the Planning Board approve the Judge's recommendation and added that the actual fine has been considerably reduced and the reforestation of the area is mandatory.

Mr. Christopher J. Erb, the Respondent, then discussed the fact that he was not aware that he was not allowed to cut the trees and that this portion of his property was high priority forest not to be disturbed. He noted that he was not told of this situation by the tree-cutting company that he hired. He also added that he has done his best to remedy the situation and does not agree with the Judge's decision that he should pay a fine.

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6. Enforcement Hearing: Montgomery County Planning Department v. Christopher J. Erb

CONTINUED

There followed extensive Board discussion with questions to Mr. Dumais and Mr. Erb.

Commissioner Cichy expressed some doubts about the tree-cutting company hired by Mr. Erb, or any other tree-cutting companies in Montgomery County, being aware of the laws regarding forest conservation.

Chair Anderson noted that if they are in this business, it is their duty to know.

Commissioner Fani-González noted that she sympathizes with Mr. Erb's situation, but the law needs to be upheld and the tree-cutting company should have known and should have informed him accordingly.

Chair Anderson and Commissioner Fani-González agreed and advised Mr. Erb to pay the fine and take the necessary action recommended by staff to plant the required trees.

2. Roundtable Discussion

- Parks ~~Planning~~ Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing.**

Parks Department Director's Report – Parks Department Director Mike Riley distributed a written report to the Planning Board members and briefed them on the following ongoing and upcoming Planning Department events and activities: the proposed 1.5 percent FY19 operating budget savings plan for the Parks Department as recommended by the County Executive and to be transmitted to the County Council and for review by the County Council Committee on Planning, Housing, and Economic Development on January 24; FY19-24 Biennial County Executive recommended Capital Improvements Program (CIP); use of the Herbicide Glyphosate in the parks; walking tour of downtown Bethesda on December 5 with Councilmember Andrew Friedson; the upcoming Greater and Greener 2019 conference entitled “Exploring Natural Connections” will be held on July 20 to 24, 2019 in Denver Colorado; highlights of several volunteer service projects; the upcoming Park Speaker Series with Ms. Sheema Hai and Mr. Albert Arevalo presenting “Engaging Diverse Audiences in Parks and Outdoor Recreation” scheduled for January 25 at 12:00 p.m. in the Montgomery Regional Office (MRO) auditorium; and the Green Matters – Designing for Diverse Landscapes symposium scheduled for February 22, 2019 from 8 a.m. to 4:00 p.m. at the Silver Spring Civic Center in downtown Silver Spring.

Mr. Riley noted that additional items are discussed in his report, which Planning Board members might be interested in reading at their leisure.

There followed a brief Board discussion with questions to Mr. Riley.

7. CLOSED SESSION --- POSTPONED

According to MD ANN Code, General Provisions Article, §3-305(b)(1)(i), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official over whom it has jurisdiction.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.