Following a scheduled tour of parks in mixed-use and higher density residential areas in Silver Spring, the Montgomery County Planning Board met in regular session on Thursday, September 7, 2017, at 1:42 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:15 p.m.

Present were Chair Casey Anderson, Vice Chair Norman Dreyfuss, and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson.

Items 1 through 5 are reported on the attached agenda.

The Board recessed for dinner at 5:32 p.m. and convened in Closed Session at 5:40 p.m. to take up Item 6, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board’s Closed Session:

The Board convened in Closed Session at 5:40 p.m. in the 3rd floor conference room on motion of Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy and Patterson voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7) and §3-305(b)(8), to consult with counsel to obtain legal advice concerning pending litigation.

Also present for the Closed Session meeting were Director Gwen Wright, Deputy Director Rose Krasnow of the Planning Department; Carol S. Rubin, Principal Counsel, and Matthew T. Mills, Senior Counsel of the Legal Department; and M. Clara Moise of the Commissioners’ Office.

In Closed Session, Legal staff briefed the Planning Board on possible litigation regarding the WMAL site in Bethesda, for which the Planning Board approved a Preliminary Plan on June 15, 2017, and the Westwood Shopping Center Sketch Plan approved by the Board on February 23, 2017.

The Closed Session meeting was adjourned at 6:45 p.m.

The Board reconvened in the auditorium at 6:55 p.m.

Items 7 through 9 are reported on the attached agenda.
There being no further business, the meeting was adjourned at 10:15 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 14, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer/Editor

James J. Parsons  
Sr. Technical Writer/Editor
1. Consent Agenda

*A. Adoption of Resolutions

1. 8787 Georgia Avenue Sketch Plan 320170060 - MCPB No. 17-075

2. Clarksburg Childcare Preliminary Plan 120140050 - MCPB No. 17-066

3. Wright Property Preliminary Plan 120160330 - MCPB No. 17-067

**BOARD ACTION**

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 4-0-1

Nay:

Other: PATTERSON ABSTAINED

Action: Adopted the Resolutions cited above, as submitted.
*B. Record Plats

Subdivision Plat No. 220150740 and 220150760, Lynwood
RE-2 zone, 11 lots and 1 parcel; located in the area between Interstate 270 and Frederick Road (MD 355) opposite Prescott Road; Clarksburg Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220160310, West Chevy Chase Heights
R-60 zone, 1 lot; located in the southwest quadrant of the intersection of West Virginia Avenue and Lynbrook Drive; Bethesda - Chevy Chase Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220160660, Guru Nanak Foundation
R-90 and R-200 zones, 1 parcel; located on the east side of Old Columbia Pike, approximately 1,000 feet north of East Randolph Road; Fairland Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220161080 and 220161090, Black Hill
CR zone, 8 lots and 2 parcels; located in the southern quadrant of the intersection of Century Boulevard and Crystal Rock Drive; Germantown Sector Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220170810, Alta Vista
R-60 zone, 1 lot; located on the northern side of the intersection of Acacia Avenue and Locust Avenue; Bethesda - Chevy Chase Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220170910, McAuley Park
R-200 zone, 2 lots; located on the east side of Carmelita Drive, 600 feet north of Hemswell Lane; Potomac Sub-Region Master Plan.
Staff Recommendation: Approval

Subdivision Plat No. 220170960, Somerset Heights
R-60 zone, 1 lot; located on north side of Essex Avenue, 300 feet east of Surrey Street; Bethesda - Chevy Chase Master Plan.
Staff Recommendation: Approval

CONTINUED ON NEXT PAGE
*B. Record Plats

CONTINUED

Subdivision Plat No. 220171020, Chevy Chase View
R-90 zone, 2 lots; located on the south side of Glenridge Street, 150 feet west of Gartrell Place;
Kensington-Wheaton Master Plan.
Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:
  Yea: 5-0

  Nay:

  Other:

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

1. Brightview Grosvenor, Extension Request for Preliminary Plan No. 120170270 and Site Plan No. 820170090 — Request to extend the regulatory review period by one month to October 19, 2017, to allow for the creation of one lot and the construction of a Residential Care Facility (over 16 persons); located at 5510 Grosvenor Lane; 2.75 acres of land in the R-90 Zone; within the 1992 North Bethesda-Garrett Park Master Plan area. — REMOVED
   Staff Recommendation: Approval

2. Beallmount Grove, Parcel 3: Extension Request for Administrative Subdivision Plan No. 620170030 — Request to extend the regulatory review period by three months to September 30, 2017; to subdivide the Subject Property into 3 lots for 3 detached single family houses, located at 12951 Three Sisters Road; 9.866 acres, RE-2; 2002 Potomac Sub-Region Master Plan.
   Staff Recommendation: Approval of the Extension Request

3. Brightview Bethesda, Sketch Plan No. 32016001A and Site Plan No. 82016012A — Request to modify public benefit categories and associated points for a previously approved assisted living facility; located in the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road; 0.59 acres of land in the CR-3.0 C-1.0 R-2.75 Zone; Bethesda Downtown Sector Plan area.
   Staff Recommendation: Approval with Conditions


5. Adoption of Corrected Resolution for The Claiborne Site Plan 820170080 — MCPB No. 17-073

CONTINUED ON NEXT PAGE
*C. Other Consent Items

CONTINUED

6. Nomination of Karen L. Tobat, CPA as a public member on the Commission's Audit Committee

BOARD ACTION

Motion: 2. CICHY/FANI-GONZÁLEZ
         3. CICHY/DREYFUSS
         4. & 5. FANI-GONZÁLEZ/DREYFUSS

Vote:
     Yea: 2., 3, & 4. 5-0
          5. 4-0-1
     Nay:
     Other: 5. PATTerson ABSTAINED

Action:
1. This Item was removed from the Planning Board agenda.
2. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension cited above.
3. Approved staff recommendation for approval of the Sketch Plan and Site Plan Amendments cited above and adopted the attached Resolution.
4. Approved the staff recommendation to accept the proposed amendments to the Bylaws of the Goldsboro Homeowners Association.
5. Adopted the corrected Resolution cited above, as submitted.
6. By consensus, deferred action on this item.
*D. Approval of Minutes

Planning Board Meeting Minutes of July 20, July 24, and July 27, 2017

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:
Yea: 4-0-1

Nay:

Other: PATTERSON ABSTAINED

Action: Approved Planning Board Meeting Minutes of July 20, July 24, and July 27, 2017, as submitted.
2. Roundtable Discussion
   - Parks Director's Report

BOARD ACTION

Motion:

Vote:
   Yea:
   Nay:
   Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of two recent meetings held with the recently appointed Montgomery County Planning Board Commissioner, Ms. Tina Patterson, which included her introduction to the Parks Department senior managers, briefings on the current work program and upcoming Planning Board items, and a tour of Brookside Gardens and Wheaton Regional Park; a recent visit by a delegation from China which offered a presentation on sustainable design, and also took a guided tour of Brookside Gardens that was facilitated and translated by Michael Ma, Chief of the Parks Development Division, and Landscape Architect Ching-Fang Chen; the recent solar eclipse parties held at Martin Luther King Park and Black Hill Nature Center on August 21, which were attended by more than 4,000 people; the status of the Marye Wells-Harley Dream Camp Scholarship Fund, which so far has raised over $6,000; and the recent Greater and Greener Conference held in the Minneapolis/St. Paul area, which was attended not only by staff members but also by Planning Board Commissioner Natali Fani-González.

There followed a brief Board discussion.

Staff Recommendation: Review and approve revisions to the Energized Public Spaces: Functional Master Plan for Parks in Mixed Use and Higher Density Residential Areas

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Parks Department staff offered a multi-media presentation and discussed the proposed Energized Public Spaces Functional Master Plan (EPS FMP), specifically the revisions made since the last worksession and a public hearing held on July 27. The recommended revisions to the Plan include revising the Plan outline to place the Pilot Area analysis and results into a new Chapter 6 in order to clarify that the Plan applies to the entire EPS Study Area, not just the Pilot Area of the Silver Spring Central Business District (CBD); turning the Urban Parks Design Guidelines into a separate companion document to increase flexibility and allow for more details; a summary of the design elements to be included in the body of the EPS Plan; updating the Parks Classification System chart to align with the chart approved in the 2017 PROS Plan; adding graphics to illustrate the supply of active, contemplative, and social gathering experiences as separate results for the Pilot Area to complement the total supply graphics; text revisions to address public testimony comments; minor text revisions to clarify the message in some chapters; and the elimination of the Urban Buffer Park type from the Park Classification System. Staff added that following the anticipated Planning Board approval on September 18, the Planning Board Draft Plan, with the approved revisions, will be submitted to the County Council and County Executive in early October.

Ms. Jane Redicker representing the Greater Silver Spring Chamber of Commerce, Mr. Theo Margas of Georgia Avenue, and Ms. Susan Fischer of Blair Mill Road offered testimony.

There followed extensive Board discussion with questions to staff, during which the Board approved the recommended revisions to the Plan. The Board also instructed staff to keep the record open in order to continue to accept public input regarding the Plan, and to return with possible alternative methods for identifying properties to be used as open space.

Staff Recommendation: Conditional Approval of General Obligation Park Bonds Funded Projects for Inclusion in the Parks’ FY19-24 CIP and General Guidance Regarding CIP Development

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:
Yea: 5-0
Nay:
Other:

Action: Approved staff recommendation to approve Park and Planning Bond funded projects for inclusion in the Parks Department FY19-24 CIP, and to increase the Spending Affordability Guidelines for Park and Planning Bonds.

Parks Department staff offered a multi-media presentation and discussed the Capital Improvements Program (CIP) for FY19-24, specifically the recommended levels for Spending Affordability Guidelines (SAG) and the Maryland Program Open Space (POS), and possible scenarios for projects that are funded primarily with Park and Planning Bonds. Staff noted that at the July 13 strategy session for the CIP, the Board requested additional information regarding projects funded by County General Obligation (GO) Bonds, including the Little Bennett Day Use Area, the Brookside Master Plan, and the restoration of historic structures. Because the focus of this worksession is on projects funded with Park and Planning Bonds, those projects will be addressed at the September 18 worksession. Staff added that as per the Board’s request, a chart presented at the July 13 strategy session has been revised to reflect figures in today’s dollars and included in the staff report.

According to staff, the initial requests for new Park and Planning Bond funded projects presented during the most recent strategy session were unaffordable. The available options for creating an affordable scenario include delaying some projects, phasing projects, maintaining prior funding levels, considering raising spending affordability guidelines, and offsetting bond funding with POS funding. Staff opted to explore the opportunities to maximize funding capacity in the latter two options before considering others. During that same strategy session, staff also identified SAG as a constraint in developing the CIP, reporting that the current SAG for Park Bonds is $6,500,000 a year, and that they were in discussions with Finance Department staff to determine the amount of flexibility available to raise SAG the, if needed. Staff has since learned that due to delays in issuing some bonds from prior years, debt service levels associated with currently approved Park Bonds will increase even without raising the SAG. Also at the last
4. **MNCPPC FY19-24 CIP Worksession 1**

**CONTINUED**

strategy session, staff recommended maintaining the POS programming at approximately $6,000,000 a year, which staff has since revised. Staff now recommends increasing the SAG for Park and Planning Bonds to $8,000,000 a year, assuming approximately $8,000,000 a year in funding from the POS, and conditional approval of Park and Planning Bond funded projects for inclusion in the Parks FY19-24 CIP, including the use of acquisition funds to begin implementation of the Energized Public Spaces Functional Master Plan; increases to Level-of-Effort projects that contribute to maintaining the park system and meeting mandates such as Americans with Disabilities Act compliance, and Planned Lifecycle Asset Replacement projects for play equipment, tennis and multi-use courts, minor renovations, and resurfacing of parking lots and paths; increases in minor new construction and urban park elements for new features in existing parks; the introduction of a new Park Refreshers Project Description Form (PDF) as an additional tool for project delivery; maintaining the current park renovation schedules at Battery Lane Urban Park, Caroline Freeland Urban Park, Hillandale Local Park, and Woodside Urban Park; funding for Phase 1 of proposed renovations for Seneca Crossing Local Park; and phasing of renovations for Long Branch-Wayne Local Park, with Phase 1 funded in the new Park Refreshers PDF.

The next steps for the FY19-24 CIP include a worksession scheduled for September 18, adoption scheduled for October 12, transmittal to the County Executive and Council scheduled for November 1, transmittal of County Executive recommendations to the Council scheduled for January 15, 2018, Council public hearings scheduled for February, Council worksessions scheduled for February and March, and Council adoption scheduled for May.

There followed extensive Board discussion with questions to staff.
5. Fall 2017 Semi-annual Outline

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning and Parks Departments staff on the proposed outlines for the upcoming Fall 2017 Semi-Annual Report, followed by a brief Board discussion, and provided guidance to staff.
6. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7) and §3-305(b)(8), to consult with counsel to obtain legal advice concerning pending litigation.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.
7. 2017 Biennial Master Plan Monitoring Report for the 2010 White Flint Sector Plan, the 2010 Great Seneca Science Corridor Master Plan, and the 2006 Shady Grove Sector Plan

Staff Recommendation: Approval to transmit Report to the County Council and County Executive

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit the 2017 Biennial Master Plan Monitoring Report for the 2010 White Flint Sector Plan, the 2010 Great Seneca Science Corridor Master Plan, and the 2006 Shady Grove Sector Plan, as stated in the attached transmittal letter to the County Council and the County Executive.

Planning Department staff offered a multi-media presentation and discussed in detail the Biennial Master Plan Monitoring Report for the 2010 White Flint Sector Plan, the 2010 Great Seneca Science Corridor Master Plan, and the 2006 Shady Grove Sector Plan. Staff noted that this report is prepared every other year for the Planning Board review and approval and transmittal to the County Council and the County Executive. The report addresses the implementation progress of these plans and is the third report of its kind. The first report was issued in June 2013.

Staff noted that the report provides a detailed review of each plan’s implementation efforts, including development approvals, public amenities and facilities, transportation and recommendations to further the implementation of each plan in the I-270 Corridor area. The White Flint Sector Plan and the Great Seneca Science Corridor Master Plan require biennial reporting to the County Council and County Executive but the Shady Grove Sector Plan does not. However, the Sector Plan has a staging plan that has been included in the two prior reports and significant public infrastructure is required for this Plan. The biennial report seeks to satisfy the Council’s requirements for monitoring and reporting on plan implementation; provide input to the County Executive for the next Capital Improvements Program; demonstrate the extent to which the visions in these plans are being realized; demonstrate the extent to which the staging elements in these plans are regulating build-out; and ensure transparency regarding the plans implementation activities. All three plans seek to change single-use commercial or industrial areas and auto-oriented areas into a mixed-use and urban environment with complimentary public amenities and facilities to support these new communities. Each area has seen some changes based on recommendations to these plans.

CONTINUED ON NEXT PAGE
7. Biennial Master Plan Monitoring Report for the 2010 White Flint Sector Plan, the 2010 Great Seneca Science Corridor Master Plan, and the 2006 Shady Grove Sector Plan

CONTINUED

Staff added that the staging requirements have allowed for monitoring and management of development to ensure that current and future infrastructure can support the new development. The Implementation Advisory Committees for the three plan areas have been an important conduit for ongoing public engagement. To date, none of the three plans have advanced to Stage 2. For the White Flint Sector Plan a key Phase 1 trigger has been achieved, which is the Non-Auto Driver Mode Share (NADMS) goal of 34 percent, and progress has been made on the realignment of Old Georgetown Road and Executive Boulevard. For the Great Seneca Science Corridor Master Plan funding the Corridor Cities Transitway and attaining the Plan’s mode share goals are essential next steps. For the Shady Grove Sector Plan, priorities include relocating the school bus depot, funding major intersection/interchange improvements, and monitoring progress on the redevelopment of the Montgomery County Service Park (CSP) as well as the recommended staging plan.

Ms. Sarah Metz, White Flint Implementation Coordinator for the County Executive's Office, offered comments.

There followed a brief Board discussion with questions to staff.

*Staff Recommendation: Transmit Comments to the County Council*

(NOTE: Action required for County Council public hearing of 9/12/17)

**BOARD ACTION**

**Motion:** DREYFUSS/PATTERSON

**Vote:**

Yea: 5-0

Nay:

Other:

**Action:** Approved staff recommendation to transmit comments and recommendations to the County Council regarding proposed Zoning Text Amendment 17-04, as stated in the attached transmittal letter.

In keeping with the September 1 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA 17-04), which revises the standards for allowing a Country Inn as a conditional use in the Rural (R-200) zone. Specifically, a proposed site for a Country Inn in the R-200 zone must have at least one property line abutting a Rural (R), Rural Cluster (RC), Rural Neighborhood Cluster (RNC), or Agricultural Reserve (AR) zoned property and the abutting property must be at least two acres in size. Staff noted that the existing conditional use process provides adequate standards and requirements to address issues that potentially could impact properties near a Country Inn. The public input requirement of the conditional use process further provides opportunity to address concerns unique to a particular site.

Staff noted that it does not support the proposal to single out the R-200 zone for the stricter standard and not the Residential Estate (RE-1) and (RE-2) zoned properties, all of which are categorized as “Residential” versus the “Rural Residential” designation for the R and RC zones, especially in light of the standard minimum lot size for RE-1 zoned properties, which can be less than two acres.

The following speakers offered testimony: Mr. Jody Kline, attorney; Mr. David Brown, attorney representing the River Falls Homeowners Association and the Association of River Falls and Montgomery Countryside Alliance; Mr. Stephen Lehrman of Vance Knolls of River Falls Homeowners Association; Mr. Curtis Uhre of Brickyard Road, chairman of the Brickyard Coalition Inc.; and Ms. Ginny Barnes of Glen Road, President of the West Montgomery Citizens Association.

There followed extensive Board discussion with questions to staff and some of the speakers.

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8. **Zoning Text Amendment No. 17-04, Country Inn Standards**

**CONTINUED**

Chair Anderson instructed staff to include the following comments in the transmittal letter, in addition to the recommendations made during the meeting. The Planning Board believes that a change in the rules for a Country Inn, after an applicant has received approval prior to the introduction of ZTA 17-04, is not good zoning practice. The Board recommends allowing the conditional use process and the existing specific standards for approving a Country Inn to remain.
9. **Subdivision Regulation Amendment No. 17-01, Approval Procedures for Burial Sites; Bill 24-17, Land Use Information-Burial Sites** — SRA 17-01 defines burial sites; requires the identification of burial sites on preliminary plan applications; and requires approved preliminary plans to appropriately preserve burial sites. Bill 24-17 requires the Planning Board to establish and maintain an inventory of burial sites in the County.

**Staff Recommendation: Transmit Comments to the County Council**

*(NOTE: Action required for County Council public hearing of 9/12/17)*

**BOARD ACTION**

**Motion:** CICHY/DREYFUSS

**Vote:**

Yea: 5-0

Nay:

Other:

**Action:** Approved staff recommendation to transmit comments and recommendations to the County Council regarding Subdivision Regulation Amendment 17-01 and Bill 24-17 concerning approval procedures and land use information for burial sites in the Preliminary Plan process, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Subdivision Regulation Amendment request (SRA)17-01 and subsequent Bill 17-01. Staff noted that Bill 24-17 would require the Planning Board to establish and maintain an inventory of burial sites in the County and SRA 17-01 would require burial sites identified in the inventory to be respected in the subdivision approval process. Specifically, SRA 17-01 would define burial sites, require the identification of burial sites on Preliminary Plan applications and require approved plans to appropriately preserve burial sites.

Staff also noted that to date, Montgomery County has no explicit local policy governing archaeological resources or burial sites. Local laws and regulations deal with burial sites in limited ways. The Historic Preservation Ordinance and Master Plan for Historic Preservation allow for the designation of historic sites and districts, which may include burial sites and archaeological resources. The Parks Department, Montgomery County’s largest land owner, seeks to document, protect, and interpret burial sites and archaeological resources on its properties. State and federal laws also provide certain limited protection for burial and archaeological sites. In response to these challenges, efforts were made to document burial sites and archaeological resources. The *Montgomery County Cemetery Inventory*, prepared between 2004 and 2009, was created to identify all known burial sites regardless of whether remains were relocated from a site or whether the precise location was unknown. The Montgomery County Historic Preservation Commission provided five grants to support the creation and development

**CONTINUED ON NEXT PAGE**
9. Subdivision Regulation Amendment No. 17-01, Approval Procedures for Burial Sites; Bill 24-17, Land Use Information-Burial Sites

CONTINUED

of the document. The Planning Department maintains the webpage and a GIS layer. Additional existing burial sites are discovered on an ongoing basis, and the Montgomery County Parks Department archeologists track archaeology sites on parkland countywide, in coordination with the Maryland Historical Trust.

Staff finds that the proposed legislation is a starting point but also believes that the County Council should comprehensively address other review processes outside of the subdivision review that protects burial sites and archaeological resources. Staff has also made a number of language modifications to the SRA, as noted in the staff report.

Mr. William Kirwan of Park Crest Drive, Chair of the Historic Preservation Commission, and Ms. Susan Soderberg of Liberty Mill Road, representing the Germantown Historical Society, Inc., offered testimony.

At the Board’s request, Mr. Matthew Mills, Legal Counsel for the Prince George’s County Commission briefly discussed the process in place for identifying, relocating or retaining burial sites in Prince George’s County.

There followed extensive Board discussion with questions to staff and the speakers. Chair Anderson instructed staff to include in the transmittal letter, in addition to the Planning Board’s recommendations discussed during the meeting, that the Planning Board recommends the creation of a special advisory committee with wide representation, to comprehensively explore additional legislation surrounding burial sites and archaeological resources, without delaying the processing of SRA 17-01 and Bill 24-17.