



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, May 24, 2018, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:24 p.m.

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

Items 1, 2, 4, 3, 5, and 6, discussed in that order, are reported on the attached agenda.

The Board recessed at 11:28 a.m. for a presentation by Dr. Sacoby Wilson, Director of Community Engagement, Environmental Justice, and Health (CEEJH) for the Maryland Institute for Applied Environmental Health at the University of Maryland School of Public Health, followed by lunch.

The Board convened in Closed Session at 1:52 p.m. to take up Item 10, 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 1:52 p.m. in the 3rd floor conference room on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor of the motion, and Commissioner Patterson temporarily absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the meeting were General Counsel Adrian Gardner, Acting Principal Counsel Matthew Mills, and Associate General Counsel Nick Dumais of the Legal Department; Director Gwen Wright and Acting Deputy Director Carol Rubin of the Planning Department; and James Parsons of the Commissioners' Office.


In Closed Session the Board received briefing regarding a Maryland Public Information Act request and potential litigation.

The Closed Session meeting was adjourned at 2:22 p.m.


The Planning Board reconvened in the auditorium at 2:26 p.m.

Items 7 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:24 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 31, 2018, in the Montgomery Regional Office in Silver Spring, Maryland.



M. Clara Moise
Sr. Technical Writer/Editor



James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, May 24, 2018
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Montgomery Village Center Sketch Plan 32017002A - MCPB No. 18-036
2. Montgomery Village Center Preliminary Plan 120180010– MCPB No. 18-037
3. Montgomery Village Center Site Plan 820180020 – MCPB No. No. 18-038

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220100680, Greencastle Towns

RT-8 zone, 12 lots, 3 parcels; located on the west side of Greencastle Road, 75 feet south of Chelsea Park Lane; Fairland Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220170300, Stella’s Dream

AR zone, 1 lot; located on the south side of Barnesville Road, approximately 1 mile east of Mount Ephraim Road; Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180550, E.W. Byrn’s Subdivision of Silver Spring

CR zone, 1 lot; located in the southwest quadrant of the intersection of Georgia Avenue (MD 97) and Colesville Road (MD 384); Silver Spring CBD Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220180670, Springfield

R-60 zone, 2 lots; located on the north side of Wiltshire Drive, 200 feet west of Cromwell Drive; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

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. Extension of Preliminary Plan No. 120180050, Cypress Avenue Property---R-60 zone, 2.09 acres, Request extension to create seven single-family lots; located on Cypress Avenue, approximately 200 feet north of West Cedar Lane; Bethesda Chevy-Chase Master Plan.

Staff Recommendation: Approval of Extension

2. Extension of Preliminary Plan Amendment No. 12010003A, Brooke Park---R-30 zone, 1.07 acres, Request extension to renovate the existing multi-family building, parking and circulation; located at the northwest quadrant of the intersection with MacArthur Boulevard and Sangamore Road; Bethesda Chevy-Chase Master Plan.

Staff Recommendation: Approval of Extension

3. Regulatory Review Extension Request for Avalon Residential: Preliminary Plan No. 120180110---Requesting to extend the regulatory review period for an additional 2 months until 7/26/2018; an Application to create 50 lots for 34 detached and 16 attached houses (including 16% MPDUs); located at 22821 Frederick Road, approximately 600 feet north Shawnee Lane; 10.28 acres; TF-5 Zone; Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

**Motion: 1. DREYFUSS/CICHY
2. & 3. FANI-GONZÁLEZ/CICHY**

Vote: Yea: 1., 2., & 3. 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

2. Roundtable Discussion

- Parks Director’s Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director’s Report – Following an introduction of Mr. Darryl McSwain, the new Chief of the Montgomery County Park Police, Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of the FY19 Operating Budget, with the Planning and Parks Departments receiving approximately \$1,600,000 of the \$2,500,000 requested for reconciliation, which will be used to fund compensation increases for all staff, new parks, water quality protection initiatives, environmental programs, and the urban parks initiatives; the status of the FY19 Capital Budget, with the Parks Department receiving funding for the Parks Refresher Program, Vision Zero best practices trail crossing improvements, level-of-effort projects, park stream restoration projects, the Little Bennett Day Use Area, Ovid Hazen Wells Recreational Park improvements, and Hillandale Local Park improvements; the recent solar panel launch event held on May 23 at South Germantown Recreational Park; and the upcoming ribbon cutting ceremony for the opening of Laytonia Recreational Park, scheduled for June 10.

There followed extensive Board discussion with questions to Mr. Riley, during which the Board requested a briefing on the status of historic properties owned by the Commission, a Closed Session update on park trail safety measures, and an update on fundraising efforts associated with the fiftieth anniversary celebration for Brookside Gardens.

Mr. Riley then agreed to return with Mr. Michael Nardolilli, the Executive Director of the Montgomery Parks Foundation, to offer a summary of the Foundation work program, activities, and initiatives.

4. FY18 Capital Budget Transfer---Review and action regarding FY18 Capital Budget Transfer for East Norbeck Local Park PDF.

Staff Recommendation: Approve FY18 Capital Budget Transfer from East Norbeck Local Park PDF to PLAR Local Parks

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Budget Transfer Request cited above.

Parks Department staff briefed the Board regarding an FY18 Capital budget transfer request. According to staff, transfers of over \$20,000 require Montgomery County Planning Board approval. Staff is requesting that \$146,359 be transferred from the East Norbeck Local Park Project Description Form (PDF) to Planned Lifecycle Asset Replacement (PLAR) in Local Parks for minor renovations and various improvements throughout the park system.

There followed a brief Board discussion.

3. Executive Director Trish Heffelfinger will present the Soccerplex 2017 Annual Report

Staff Recommendation: Accept the MSF Year-End Report as Submitted

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Ms. Trish Heffelfinger, Executive Director of the Maryland Soccer Foundation (MSF), offered a multi-media presentation and discussed the 2017 annual report for the SoccerPlex facility located at South Germantown Recreational Park. As a Commission Public-Private Partnership project, MSF is required to provide the Planning Board with an annual report regarding public programs and services, budget and other financial matters, new initiatives, business plan updates, information on the Soccer Association of Montgomery County (SAM), and community outreach and events.

Ms. Heffelfinger then discussed highlights from 2017, including work to consistently prevent rainouts through the installation of a full system of sand channels and drains on fields 8 and 10, which will eventually be implemented on all facility fields; the removal and replacement of the facility's three synthetic turf fields, which was completed in March; the new facility mascot, Sammy, who welcomes the three and four year-olds to class, plays with Boyd the Soccerplex dog, and visits libraries, the Clarksburg Outlets, and facility sponsors; the implementation of the Fair Play Please program, which rewards players and teams who exhibit good sportsmanship; and her upcoming retirement scheduled to take effect on December 31, 2018.

There followed a brief Board discussion with questions to Ms. Heffelfinger, with the Planning Board expressing its thanks for her leadership and commitment to the Foundation.

5. **Presentation of Annual Land Use Report to MDP**---As per the requirements established by State legislation, each local jurisdiction must submit an annual land use report to the Maryland Department of Planning (MDP). The objective of this request is to monitor growth statewide and to determine if State smart growth policies are having beneficial or unanticipated effects. This report for Calendar Year 2017 is the eight such report prepared by the Montgomery County Planning Department for Board approval of transmission to the County Council President and the State of Maryland Department of Planning.

Staff Recommendation: Approve Report and Transmit to County Council President and the Director of the State Department of Planning

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Annual Land Use Report and transmittal to the County Council President and the Director of the State of Maryland Department of Planning, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the Maryland Department of Planning (MDP) Local Jurisdiction 2017 Annual Land Use Report. Under the Maryland Smart and Sustainable Growth Act of 2009, 52 municipalities and 18 counties, including Montgomery County, are required to complete a land use questionnaire regarding growth related to changes in development patterns, measures and indicators, agricultural land preservation, local land use percentage goals, development capacity analysis, and Adequate Public Facilities Ordinance restrictions; and submit the results, as well as maps and planning data, to MDP. The information submitted is collected from various sources, including zoning and subdivision approval data from the HANSEN Development Tracking System, permit data from the Department of Permitting Services, Capital Improvements Program and Adequate Public Facilities Ordinance data from Montgomery County Public Schools, traffic data from the Maryland State Highway Administration, other County geographic information system (GIS) data layers, and the DataMontgomery open data portal. The information is then utilized to monitor State Smart Growth policies and determine if those policies are having beneficial or unanticipated effects, particularly in the County's Priority Funding Areas.

Following Planning Board approval, the report will be submitted to MDP and the County Council no later than July 1. MDP staff will then upload the data for growth and development analysis.

There followed a brief Board discussion.

6. **R&SP Briefing: Study of Housing for Older Adults in Montgomery County**---The Planning Department commissioned a study of senior housing in the County that was conducted by Lisa Sturtevant and Associates. The consultants will present an overview of their analysis, findings, and recommendations.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Following some brief introductory comments from Planning Department staff, Dr. Lisa Sturtevant from the economic consulting firm Lisa Sturtevant & Associates (LSA) offered a multi-media presentation and discussed a study of County senior housing conducted by LSA on behalf of the Planning Department. According to Dr. Sturtevant, the goals of the study are to quantify the supply of housing serving adults age 55 and older in the County; document the characteristics of the senior population; assess current and future demand for senior housing; and recommend ways of preparing to meet growing senior housing needs.

Utilizing data gathered from the United States Census Bureau, the Maryland-National Capital Park and Planning Commission, the Maryland Department of Housing and Community Development, and other sources; document review; interviews; and reviews of best practices, LSA analyzed the current supply of age-restricted housing, such as independent living facilities, assisted living facilities, group homes, skilled nursing facilities, and continuing care retirement communities; the characteristics of the County's older adult population, such as median household income, current housing unit types, and household size; the housing cost burden among the older adult population; and County population forecasts, specifically for older adult households. The key findings of the study indicate that approximately 20 percent of the County's population will be 65 or older, with one in three being 55 or older by 2040; changing economic characteristics of older adult households will create more senior renters in the County; the oldest seniors in the County face their own challenges, such as the lack of assisted living facilities in the County that are targeted to this group, particularly those with limited incomes; the majority of older adults wish to age in place, remaining in their homes or communities independently rather than relying on institutionalized care or family members; the need for access to neighborhood amenities and services has become increasingly important for those wishing to age in place; the recovery of the local housing market is creating a new wave of senior housing demand; and federal funding for housing programs that serve older adults is currently in decline.

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6. R&SP Briefing: Study of Housing for Older Adults in Montgomery CountyCONTINUED

Recommendations to address these issues include support for changes in the Moderately Priced Dwelling Units (MPDUs) program to provide more housing options for seniors; co-located senior housing with community facilities; use of publicly owned property to produce senior housing; addressing senior housing needs in the planning process; allowing more diverse housing types in Residential Zones; improving the viability of accessory apartments for older adults; removing zoning and regulatory barriers to group homes and age-restricted housing; removing zoning and regulatory barriers to group homes and age-restricted housing; maintaining a commitment to senior housing in the County's affordable housing fund, the Housing Initiative Fund; creating set-asides for older adults in the housing choice voucher and rental assistance programs; improving the effectiveness of homeowner and renter property tax exemptions and credits, funding emergency assistance to seniors at risk of eviction or homelessness; providing more education to developers about accessibility and offer incentives to increase accessibility; supporting naturally occurring retirement communities and existing villages; creating a one-stop shop for senior housing programs and services; and exploring potential funding possibilities for senior housing through the Maryland Medicaid waiver program.

Mr. Louis Tenenbaum, representing HomesRenewed, offered testimony.

There followed extensive Board discussion with questions to staff and Dr. Sturtevant.

10. CLOSED SESSION

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

The topic to be discussed is pending litigations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Forest Conservation Law Amendments – Modifications

Staff Recommendation: Approve to Transmit to the County Council for Introduction

BOARD ACTION

Motion: DREYFUSS/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit the proposed Forest Conservation Law Amendments to the County Council for introduction.

In keeping with the May 16 technical staff report, Planning Department staff offered a brief presentation regarding proposed Forest Conservation Law Amendments and modifications. Staff noted that minor changes to Chapter 22A of the Montgomery County Code for the Forest Conservation Law are currently needed to clarify sections of the law and to create an exemption from submitting a forest conservation plan for property owners who wish to demolish existing buildings, remove impervious surfaces, or restore the topography of a property to its natural conditions.

Staff recommended that the Planning Board approve transmittal of the proposed changes discussed during the meeting to the County Council President for introduction as an expedited Bill. Staff requests that the Bill be expedited because it will clarify a problem with the existing Forest Conservation Law and allow for environmentally beneficial projects in the future. Staff also added that there are numerous projects of this type currently in the pipeline, both from public and private entities, and time is of the essence to allow these projects to move forward.

There followed a brief Board discussion with questions to staff.

8. Mandatory Referral – MR2018024 – MD28 between MD97 and Bailey’s Lane – Sidewalk and Signal Improvements---MDOT-SHA Project to construct sidewalk on MD28 (Norbeck Road) between MD97 and Bailey’s Lanes with a new traffic signal on MD28 at Bailey’s Lane/Norbeck park entrance.

Staff Recommendation: Approval to transmit comments and recommendations to the Maryland Department of Transportation and State Highway Administration.

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments and recommendations to the Maryland Department of Transportation and State Highway Administration regarding the above-mentioned Mandatory Referral request, as stated in the attached transmittal letter.

In keeping with the May 17 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request from Maryland Department of Transportation (MDOT) and State Highway Administration to construct a 3,600 foot-long sidewalk on the south side of Norbeck Road (MD28) between Georgia Avenue (MD97) and Bailey’s Lane with a new traffic signal and related pedestrian crossing improvements at the intersection of MD28 with Bailey’s Lane at the East Norbeck park entrance. Staff noted that State funds will be used to finance the project.

Staff noted that the proposed sidewalk improvements are not inconsistent with the Public Hearing Draft of the Bicycle Master Plan. The proposed project is also considered to be a short-to-medium term project, as the proposed sidewalk serves an immediate need and would be totally replaced with any future widening as proposed in the MD28/MD198 Corridor Improvement Study. A total of approximately 0.18 acres of parkland would be impacted by the project and MDOT and SHA will be required to obtain a Park Construction Permit from Montgomery County Department of Parks prior to starting any construction activities on parkland. Parks Department staff will work with MDOT and SHA staff to minimize impacts to the park to the greatest extent possible.

Ms. Claudine Myers of MDOT, introduced Mr. Travis C. Wilson, consultant for MDOT, discussed the proposed request and answered questions from Planning Board members.

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

9. MARC Rail Communities Sector Plan—Worksession #2---Review Boyds Recommendations for the MARC Rail Communities Sector Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion and by consensus approved staff recommendations for the Boyds area in the context of the MARC Rail Communities Sector Plan.

Planning Department staff offered a multi-media presentation and discussed recommendations for the Boyds area for the MARC Rail Communities Sector Plan. Staff noted that the recommendations take into consideration public hearing testimony and agency comments on issues related to Boyds, such as maintaining the Boyds' community character; the proposed MARC Rail expansion and the acquisition of the Anderson property; the long-term plans for the MARC station location in Boyds; the Boyds local park; recommendations for pedestrian and vehicular underpasses to serve the station and enhance vehicular movement; the appropriate roadway classifications in the Boyds area; the application of an overlay zone; and the future construction of a third track to improve service along the MARC train Brunswick line. Staff noted that State Highway Administration (SHA) commented on the preliminary recommendations for the plan and these are included in the staff report. Staff also noted that a memorandum from County Executive Isiah Leggett regarding the proposed Anderson property acquisition is included in the Planning Board's packet. Mr. Leggett plans to seek an amendment to the FY19-24 Capital Improvements Program (CIP) to include acquisition of this property.

There followed extensive Board discussion with questions to staff.