



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED  
MINUTES**

Following a Planning Board tour of the Purple Line project in the morning, the Montgomery County Planning Board met in regular session on Thursday, February 14, 2019, at 1:30 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:58 p.m.

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

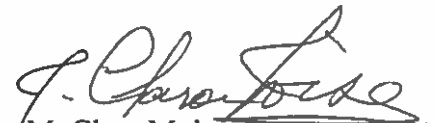
Commissioner Gerald R. Cichy was necessarily absent.

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

Item 3 was removed from the Planning Board agenda.

Vice Chair Norman Dreyfuss left the meeting at 4:45 p.m. before discussion of Item 2.

There being no further business, the meeting was adjourned at 4:58 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 21, 2019, in the Montgomery Regional Office in Silver Spring, Maryland.

  
M. Clara Moise  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting  
Thursday, February 14, 2019  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600**

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. 7607 Old Georgetown Road Preliminary Plan 120190050 – MCPB No. 19-011
2. 7607 Old Georgetown Road Site Plan 820190030 – MCPB No. 19-012
3. Mount Prospect Site Plan 82017016A – MCPB No. 19-007
4. Shady Grove Station Preliminary Plan 12012008E – MCPB No. 19-009
5. Shady Grove Station Site Plan 82013022E – MCPB No. 19-010

**BOARD ACTION**

**Motion: DREYFUSS/FANI-GONZÁLEZ**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CICHY ABSENT**

**Action: Adopted the Resolutions cited above, as submitted,**

**\*B. Record Plats**

**Subdivision Plat No. 220180870 – 220180930, Mount Prospect Farm**

PD-2 zone; 90 lots, 22 parcels; located on the north side of Travilah Road at the intersection of Turkey Foot Road; Potomac Sub-region Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CICHY ABSENT**

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

**\*C. Other Consent Items**

**1. Montgomery Village Center, Site Plan No. 82018002A, Regulatory Extension Request No. 1**---Request to extend the regulatory review period from February 14, 2019 to April 18, 2019, for minor adjustments to the building footprints and stormwater management facilities; additional time is required to address comments from the Department of Permitting Services regarding the Stormwater Management Concept, which was recently denied; located in the southwest quadrant of the intersection of Montgomery Village Avenue and Centerway Road; on approximately 18.78 acres of land in the CRT-1.5, C-0.75, R-1.0, H-75 Zone; within the 2016 Montgomery Village Master Plan area.

*Staff Recommendation: Approval of the Extension Request*

**2. Gatton’s Adventure: Administrative Subdivision Plan No. 620190030, Regulatory Review Extension Request No. 2**---Request to extend the regulatory review period by 6 months to August 8, 2019; to subdivide the Subject Property into 1 lot for an existing one-family detached house, located at 11760 Glen Mill Road; 2.0 acres, RE-2; 2002 Potomac Sub-region Master Plan.

*Staff Recommendation: Approval of the Extension Request*

**BOARD ACTION**

**Motion:**                   1. PATTERSON/DREYFUSS  
                                  2. FANI-GONZÁLEZ/PATTERSON

**Vote:**  
**Yea:**                   1. & 2. 4-0

**Nay:**

**Other:**               CICHY ABSENT

**Action:**           1. Approved staff recommendation for approval of the Regulatory Extension request for the Montgomery Village Center Site Plan.

                          2. Approved staff recommendation for approval of the Regulatory Review Extension request for the Gatton’s Adventure Administrative Subdivision Plan.

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of January 31, 2019

**BOARD ACTION**

**Motion:                   PATTERSON/FANI-GONZÁLEZ**

**Vote:**

**Yea:                   3-0**

**Nay:**

**Other:               DREYFUSS ABSTAINED  
                          CICHY ABSENT**

**Action:            Approved the Planning Board Meeting Minutes of January 31, 2019, as submitted.**

~~3. Westbard Urban Recreational Park— Authorization to acquire 65,796 square feet, more or less, improved, from River Road Associates, L.P., located at 5200 River Road, Bethesda MD 20817. Authorization to acquire 4,973 feet, more or less, improved, from Frederick Burrows Norris-Revocable Trust, located at 5200 River Road, Bethesda MD 20817- REMOVED~~

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This Item was removed from the Planning Board agenda.**

**4. Zoning Text Amendment No. 19-01: Accessory Residential Uses – Accessory Apartments**---ZTA 19-01 amends the Montgomery County Zoning Ordinance to remove the requirement for conditional use approval for all accessory apartments and revise the limited use provisions for attached and detached accessory apartments.

*Staff Recommendation: Transmit Comments to County Council*  
**(NOTE: Action required for County Council public hearing of 2/26/19)**

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/PATTERSON**

**Vote:**

**Yea: 4-0**

**Other: CICHY ABSENT**

**Action: Approved staff recommendation for approval to transmit comments to the County Council regarding proposed Zoning Text Amendment 19-01, including additional comments and recommendations discussed during the meeting, and as stated in the attached transmittal letter.**

Planning Department staff discussed a proposed Zoning Text Amendment (ZTA), which would amend the Montgomery County Zoning Ordinance to remove the requirement for conditional use approval for all accessory apartments and revise the limited use provisions for attached and detached accessory apartments. Staff noted that proposed ZTA 19-01 would delete or modify many of the current restrictions on having an accessory apartment as stated in the February 7 technical staff report. Staff noted that overall, staff agrees with the sponsor in recognizing the importance of increasing the supply of accessory apartments in the county while also working to minimize any negative impacts on residential neighborhoods. Accessory Apartments also help provide supplemental income to homeowners thereby allowing many in our senior population to age in place and in many cases, providing affordable living arrangements for others. Many of the concerns pertaining to accessory apartments in the smaller lot zones stem from the ability to provide adequate parking on-street or on-site. Staff believes that maintaining a parking requirement, with the ability to waive it through the Hearing Examiner process, will be key to minimizing any negative impacts on surrounding neighborhoods.

The following speakers offered testimony: Mr. Barney Rush of Maple Avenue and Mayor of the Town of Chevy Chase; and Mr. Dan Wilhelm representing the Greater Colesville Citizens Association.

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

The Board instructed staff to include a modification providing clarification of the intent to allow any structure legally constructed before May 31, 2012, effective date of allowing an accessory apartment without requiring special exception or conditional use approval, to be used as an accessory apartment without regard to setbacks.

**6. Legislative Update**

- A. HB 859-Mandatory Referral
- B. HB 1279-Procurement Source Selection
- C.HB 203 Natural Resources No Net Loss of Forest
- D. HB 320-2020 Census Completed County Commission

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Action:**

**A. HB 859 - Mandatory Referral:** Legal counsel and Planning Department staff discussed proposed House Bill 859, regarding Mandatory Referral Review, which would require certain actions be subject to review by The Maryland-National Capital Park and Planning Commission (the Commission); clarifying that each action may require separate reviews by the Commission; establishing that a certain referral to the Commission is only deemed approved under certain circumstances if there is a complete submission that can be adequately reviewed by the Commission; and generally relating to the Commission and Mandatory Referral Review.

Following a brief Planning Board discussion with questions to legal counsel and staff, Vice Chair Dreyfuss opposed the proposed House Bill stating that the Planning Board’s role is only advisory.

The remainder of the Planning Board members, with Commissioner Cichy absent, supported the Bill as recommended by staff and legal counsel.

**B. HB 1279 – Procurement Source Selection:** General Counsel Adrian Gardner discussed proposed House Bill 1279 requiring The Maryland-National Capital Park and Planning Commission (the Commission) to adopt certain procurement regulations establishing a minority business enterprise program under certain circumstances; authorizing the Commission to adopt certain regulations establishing a local small business enterprise program; requiring the Commission to report each year to certain persons on the effectiveness of certain program in the Commission on a certain date; requiring the Special Secretary for the Office of Small, Minority, and Women Business Affairs and the Secretary of Transportation to ensure that the Commission is provided with certain technical assistance to implement this Act; authorizing the governing bodies of Montgomery and Prince George’s Counties to provide certain funding for the implementation of this act in a certain manner; defining certain terms; providing for a delayed effective date for certain provisions of this Act; and generally relating to procurement activities of The Maryland-National Capital Park and Planning Commission.

Following a brief Planning Board discussion, members of the Planning Board by consensus, with Commissioner Cichy absent, supported the Bill as recommended by staff.

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**6. Legislative Update**CONTINUED

**C. HB 203 Natural Resources No Net Loss of Forest:** Legal staff discussed proposed House Bill 203 which would alter the standard for achieving a no net loss of forest policy to measure for forest land by altering the definition of “no net loss of forest,” and generally relating to the State’s no net loss of forest policy by repealing and reenacting without amendments the Article on natural resources, Section 5-101 (a) and 5-102 (b) of the Annotated Code of Maryland; and repealing and reenacting with amendments the Article on natural resources, Section 5-101(i) of the Annotated Code of Maryland.

Following a brief Planning Board discussion with questions to legal staff, members of the Planning Board by consensus, with Commissioner Cichy absent, supported the Bill as recommended by staff.

**D. HB 320-2020 Census Complete County Commission:** Legal staff briefed the Board on proposed House Bill 320 which would establish the 2020 Census Complete Count Commission, providing that the Commission is an independent Commission functioning within the Department of Planning; providing for the composition, chair, staffing, and purpose of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to determine the State agencies that are able to support the purpose of certain public awareness campaigns, and establish a certain website that includes certain information; authorizing the Commission to coordinate with a certain entity and establish subcommittees; requiring the Commission to submit certain reports to the Governor and the General Assembly on or before certain dates; defining certain terms; providing for the termination of this Act; and generally relating to the 2020 Census Complete Count Commission.

Following a brief Planning Board discussion with questions to legal staff, members of the Planning Board, with Vice Chair Dreyfuss opposing and Commissioner Cichy absent, supported the Bill as recommended by staff.

Ms. Carol Rubin, Special Project Coordinator in the Planning Department Director’s office, then offered a brief update on the ongoing feasibility study, in collaboration with Montgomery County Department of Transportation and State Highway Administration (MCDOT/SHA), of proposed improvements to I-270 and the Beltway (I-495), as proposed by Maryland Governor Larry Hogan.

**5. Montgomery College Leggett Math and Science Building, Mandatory Referral MR2019011---R-60 zone, 7.72 acres, Request to replace two existing structures with a new three-story, 134,600 gross square foot facility for art laboratories, classrooms, learning center, planetarium, greenhouse, study spaces, offices, and other support facilities; located in the northeast quadrant of Takoma Avenue and Fenton Street/Albany Avenue; 2000 Takoma Park Master Plan.**

*Staff Recommendation: Transmit comments to Montgomery College*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/DREYFUSS**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CICHY ABSENT**

**Action: Approved staff recommendation to transmit comments to the Montgomery College President regarding the proposed Mandatory Referral request for the construction of the Leggett Math & Science Building on the Takoma Park campus, as stated in the attached transmittal letter.**

In keeping with the February 4 technical staff report, Planning Department staff offered a multi-media presentation and discussed the proposed Mandatory Referral request for the construction of the Montgomery College Leggett Math and Science Building on the grounds of the Montgomery College Takoma Park campus. Staff noted that the request is to replace two existing structures located on the 7.72-acre site of the Montgomery College Takoma Park campus, with a new three-story, 134,600-square foot facility for art laboratories, classrooms, learning center, planetarium, greenhouse, study spaces, offices, and other support facilities. Staff noted that the campus is located on the northeast quadrant of Takoma Avenue and Fenton Street/Albany Avenue in the Takoma Park Master Plan area. Staff also noted that the proposed project is exempt from submitting a forest conservation plan under Section 22A-5 (t) the Forest Conservation Law and the College Board should submit a Mandatory Referral application for future updates to the College Facilities Master Plan.

Staff added that the Takoma Park campus of Montgomery College is outside of the county-designated Takoma Park Historic District. The county-designated Takoma Park Historic District borders the project site along Takoma Avenue and New York Avenue. The campus is within the boundaries of the Takoma Park National Register Historic District. The Science South and Falcon Hall buildings will both be demolished in their entirety for the new Math and Science Building. According to the College, these facilities are in poor condition and are beyond their useful life. Science South houses the Mathematics Interactive Computing Laboratory, biology and physical science departments and laboratories, faculty offices, and a greenhouse. The Falcon

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**5. Montgomery College Leggett Math and Science Building, Mandatory Referral MR2019011**CONTINUED

Hall building currently houses the Physical Education Department and includes a gymnasium, a pool, locker rooms, a classroom and racquetball courts. Additionally, two outdoor tennis courts are located adjacent to the building that will be demolished.

Staff also added that Montgomery College and their consultant team have conducted an extensive community outreach process with area stakeholders and will continue the process after the review of the Mandatory Referral to further refine the project design. Outreach for the project began with community conversations in 2017 that resulted in a letter to the community from Dr. DeRionne P. Pollard, President of Montgomery College. The letter also included design directives which are intended to be used as a framework for the development of the Math and Science Building design.

Staff then discussed the list of recommendations included in the staff report and to be transmitted to the College President.

The following speakers offered testimony: Ms. DeRionne P. Pollard, President of Montgomery College; Mr. Peter Kovar of Maple Avenue and member of the Takoma Park City Council; Ms. Lorraine Pearsall of Takoma Avenue and member of Historic Takoma, Inc.; Ms. Marcie Stickle of Greenwood Avenue and member of the Silver Spring Historical Society; Ms. Edith Holleman of Philadelphia Avenue and representing the Community Coalition for Science and Health; Ms. Susan Alexander of Takoma Avenue, adjacent property owner; Mr. David Kaplan of New York Avenue, adjacent property owner; Mr. Paul Chrostowski of Takoma Park Avenue; Mr. Bernard Aronson of Takoma Avenue and member of Neighbors United; and Mr. George French of Albany Avenue.

There followed extensive Board discussion with questions to staff.

**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 Michael Riley briefed the Board on the following ongoing and upcoming Planning Department events and activities: the latest update on the Parks Department FY20 budget; the Park Speaker Series in its 3<sup>rd</sup> year, with Mr. Mikah Meyer scheduled to talk about his 3-year journey to visit all the National Parks and Ms. Sangita Chari from the National Park Service Office of Relevancy, Diversity and Inclusion to talk about the role of her office for the Federal Agency overseeing our country's greatest natural assets on February 26 at 12:00 p.m. in the auditorium at the Montgomery Regional Office (MRO); Parks Department support to Federal Furloughed employees by offering a variety of discounts for public ice-skating admission, driving range and tennis court fees, as well as discounts on all permits and rentals for an estimated total of \$1,189; the 2019 Maryland Recreation and Parks Association (MRPA) Marketing and Communication award received by Parks Department staff member Marilyn Stone for her seasonal photo titled *Japanese Teahouse in Autumn Splendor* which will be presented at the Celebrating Excellence showcase Awards luncheon and Silent Auction on February 28 in Laurel, Maryland; the retirement of staff member Carole Bergman after a 25-year career with the Commission; the appreciation brunch for the Cultural Resources Stewardship volunteers on February 4 at Rockwood Manor; the 2019 In-Service Training; the Dog Park Suitability Study; the Green Matters – Design for Diverse Landscapes to be held on February 22 at the Silver Spring Civic Center.

Mr. Riley answered questions from the Planning Board and added that Planning Board members can read the seven-page report submitted at the meeting at their leisure.