



**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 16, 2019, at 9:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:28 p.m.

Present were Chair Casey Anderson and Commissioners Natali Fani-González and Gerald R. Cichy. Commissioner Tina Patterson joined the meeting at 9:21 a.m. during discussion of Item 3. Vice Chair Norman Dreyfuss was necessarily absent.

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

Commissioner Natali Fani-González left for the day at 11:46 a.m. following discussion of Item 6.

The Board recessed at 12:26 p.m. and convened in Closed Session at 12:27 p.m. to take up Item 7, 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 12:27 p.m. in the auditorium on motion of Commissioner Patterson, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy and Patterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(10), to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security; and §3-305(b)(12), to conduct or discuss an investigative proceeding on actual or possible criminal conduct.

Also present for the meeting was Acting Principal Counsel Matthew Mills of the Legal Department; Chief Darryl McSwain and Captain Michael Murphy of the Montgomery County Park Police; and James Parsons and Catherine Coello of the Commissioners' Office.

In Closed Session, the Board received briefing on gang-related activity in the parks.

The Closed Session meeting was adjourned at 1:28 p.m.

There being no further business, the meeting was adjourned at 1:28 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 23, 2019, in the Montgomery Regional Office in Silver Spring, Maryland.



James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting  
Thursday, May 16, 2019  
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. 220190020, Ayr lawn -- R-60 zone, 1 lot; located in the southeast quadrant of the intersection of Oak Place and Hempstead Avenue; 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 staff recommendation for approval of the Record Plat cited above, as submitted.**

**\*C. Other Consent Items**

**1. VOB Development, Sketch Plan No. 320190040, Regulatory Extension Request #2---** Request to extend the regulatory review period for two (2) weeks, from May 16, 2019, to May 30, 2019; additional time is required to finalize the joint report for the Sketch Plan and Preliminary Plan; on 3.83 acres of land in the CR 4.0, C-2.0, R-3.5, H-250 Zone; located in the southeast quadrant of the intersection of Old Georgetown Road and Executive Boulevard; within the 2010 White Flint Sector Plan.

*Staff Recommendation: Approval of the Extension Request*

**2. Potter Glen, Preliminary Plan No. 120190120, Regulatory Review Extension Request No. 2---** Request to extend the regulatory review period for Preliminary Plan No. 120190120 from 5/17/2019 until 7/11/2019: An Application to create 5 lots for 5 single-family detached houses, in the NE quadrant of the intersection of Glen Road and Query Mill Road; 13.32 acres, RE-2 Zone, 2002 Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**3. Pleasant Grove Community Church, Site Plan No. 820190010, Regulatory Review Extension Request No. 3---** Request to extend the regulatory review period for Site Plan No. 820190010 from 5/9/2019 until 7/25/2019: An Application for the construction of an 8,600 square foot religious institution; located 700 feet west of Johnson Drive; 4.02 acres; R-200 zone; 2006 Damascus Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

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

**Vote:**

**Yea:** 1. through 3. 3-0

**Nay:**

**Other:** DREYFUSS & PATTERSON ABSENT

**Action:** 1. Approved staff recommendation for approval of the Sketch Plan Extension request cited above.

2. Approved staff recommendation for approval of the Preliminary Plan Extension request cited above.

3. Approved staff recommendation for approval of the Site Plan Extension request cited above.

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of May 2, 2019

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PATTERSON ABSENT**

**Action: Approved Planning Board Meeting Minutes of May 2, 2019, as submitted.**

**3. Adoption of the Burial Sites Inventory and Guidelines****BOARD ACTION****Motion:** CICHY/PATTERSON**Vote:****Yea:** 4-0**Nay:****Other:** DREYFUSS ABSENT**Action:** Approved staff recommendation to adopt the amended Burial Sites Inventory and Guidelines, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the Guidelines for Burial Sites and the Burial Sites Inventory, specifically the modifications made to the Planning Board Draft. According to staff, the proposed revisions were made in response to Board comments made during the February 21 hearing and input from stakeholders and the general public received via phone calls, emails, written correspondence, and during four public meetings held in March and April. Also consulted were staff from the Maryland Historical Trust (MHT), the National Park Service (NPS), National Capital Region Archaeology Program, the Maryland Department of Transportation State Highway Administration (MDOT/SHA), the Maryland Commission on Indian Affairs (MCIA), the Maryland Commission on African American History and Culture (MCAAHC), the Council for Maryland Archaeology, the Montgomery County Department of General Services (DGS), Montgomery County Department of Transportation (MCDOT), Montgomery Preservation Incorporated (MPI), and the National Association for Industrial and Office Parks (NAIOP). Staff then offered background information regarding the comprehensive inventories of the County's burial sites, including a 2004 through 2010 volunteer project led by Peerless Rockville Historic Preservation, Ltd., and the 2018 MPI Montgomery County Cemetery Inventory Revisited (MCCI-R) volunteer program, the results of which were incorporated into the County's online digital zoning map, MCATLAS, and include 234 known locations of burial sites, 73 approximate locations, and 11 redacted locations. Staff then discussed revisions to the Inventory, which mainly consist of additional information regarding sites in the inventory, which staff reviewed and, where warranted, adjusted the data and tracked the changes. Staff expects a process of continuous improvement, with investigation of sites in the inventory, especially those where there is some uncertainty regarding location or size, updates to records as needed, and annual presentation of these changes to the Planning Board.

Staff then discussed revisions to the Burial Sites Guidelines, which will establish procedures and policies for making an electronic Burial Sites Inventory available to the public, making additions or exclusions to the Inventory, adequately establishing the location of burial sites, and establishing standards to ensure adequate preservation and maintenance of

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**3. Adoption of the Burial Sites Inventory and Guidelines**CONTINUED

existing burial sites. The revisions to the Guidelines include additional language addressing the consideration of descendent input for relocations, the applicability of the Guidelines to crime scenes, applicability to projects not subject to Planning Board review, and MCIA protocols for Native American burials. Staff also converted Appendix D into an info-graphic format to make the information more accessible.

The next steps for the Burial Sites Inventory and Guidelines include the verification of uncertain locations; a predictive model for missing sites, especially those of enslaved people; precise mapping of burial site boundaries; identification of historically significant characteristics; creation of a user-friendly version of the Guidelines with graphics and web-links; and scheduling training sessions for Planning Department and County land use and permitting staff.

Ms. Soo Lee-Cho, attorney representing Paramount Construction Incorporated, offered testimony.

There followed extensive Board discussion with questions to staff, during which the Board instructed staff to include language in the Guidelines stating that at the request of interested parties, staff will research and investigate in a timely manner any site that could require an update of the inventory.



4. **Presentation of the 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 2018 is the ninth 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 the County Council President and the Director of the State Department of Planning*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**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 2018 Annual Land Use Report. Under the Maryland Smart and Sustainable Growth Act of 2009, 34 municipalities and 17 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 the Parcel file, 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.

Staff added that 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.

**\*5. Akbari Residence: Preliminary Plan No. 120150210---**Request to create a lot from a parcel of land for a single-family detached house, located on the south side of Old Baltimore Road, approximately 775 feet east of Georgia Avenue (MD 97); 2 acres, RE-2 Zone; Olney Master Plan.

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

**BOARD ACTION**

**Motion: CICHY/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to conditions, and adopted the attached Resolution.**

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to create a single lot on a property located on the south side of Old Baltimore Road, approximately 775 feet east of Georgia Avenue (MD97), and zoned Residential Estate (RE-2) in the Olney Master Plan area. The 2.0-acre un-platted parcel, identified as P631, includes a 25-foot-wide pipestem that runs from the Old Baltimore Road frontage to the body of the property, and is currently undeveloped, consisting mainly of 1.74 acres of forest.

Staff noted that the applicant proposes to convert the property from a parcel to a lot for the construction of a single-family detached house with a 10-foot wide paved driveway from Old Baltimore Road to be constructed within the pipestem. The applicant is also requesting a subdivision waiver to provide relief from the required 70-foot right-of-way (ROW) along the Old Baltimore Road frontage, which would effectively reduce the area of the proposed lot to less than the 2.0 acres required for the RE-2 Zone. In lieu of that dedication, the applicant will record a public improvement easement for the entire dedication area.

Staff then discussed environmental issues, noting that the applicant proposes to remove 0.74-acres of forest and retain 1.0 acre in a Category I Conservation Easement, resulting in no afforestation/reforestation requirement. The applicant has also submitted a variance request to remove nine trees and impact eight others, for which staff recommends no additional mitigation. Staff supports the variance request. Staff added that existing natural rock outcroppings on the site will not be disturbed as part of the application.

There followed a brief Board discussion.

**\*6. Francisco Landscaping: CU-19-04 (continued from January 10, 2019)**

**A. Request for a Conditional Use to operate a Landscape Contractor business**, on a 6.18-acre property located at 15400 Holly Grove Road, Silver Spring, MD, approximately 315 feet southwest of Awkard Road and 1,250 feet southwest of the intersection of Holly Grove Road and Norwood Road, known as P066 on tax map JS41, Snowdens Manor. 1997 Cloverly Master Plan Area.

*Staff Recommendation: Approval with Conditions*

**(NOTE: Action Required for Public Hearing by Hearing Examiner of June 7, 2019)**

**B. Preliminary Forest Conservation Plan CU-19-04 for Conditional Use to operate a Landscape Contractor Business**, on a 6.18-acre property located at 15400 Holly Grove Road, Silver Spring, MD, approximately 1,250 feet southwest of the intersection of Holly Grove Road and Norwood Road, identified as Parcel P066, Snowdens Manor, RE-2C Zone, 1997 Cloverly Master Plan Area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

**Vote:**

**Yea: A. & B. 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: A. Approved staff recommendation to transmit comments to the Hearing Examiner, as discussed during the meeting, and as stated in the attached transmittal letter.**

**B. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions, and adopted the attached Resolution.**

Continuing the discussion begun at the January 10 Planning Board meeting, during which the Planning Board recommended a deferral pending further discussion, Planning Department staff offered a multi-media presentation and discussed proposed Conditional Use and associated Preliminary Forest Conservation Plan (PFCP) requests to operate a family-owned landscape contractor business on a property zoned Residential Estate (RE-2C). The 6.18-acre site is located on the west side of Holly Grove Road in the Cloverly Master Plan area. The property, identified as Parcel 066, is currently developed as a residence and an active family-owned landscape contracting business.

Staff noted that the initial application requested the approval of a Conditional Use for the validation of the existing landscaping contractor business, which has been in operation on the property for the past 13 years. Following the January 10 hearing and meetings with staff, the Cloverly Civic Association, and adjacent property owners, the applicant submitted a revised plan which proposes to limit the number of employees to a maximum of 15 and reduce the number of

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**\*6. Francisco Landscaping: CU-19-04 (continued from January 10, 2019)**CONTINUED

paved surface parking spaces to 30. Staff noted that two additional conditions of approval have also been included in the Plan, one limiting semi-truck mulch deliveries to twice a week between the hours of 10:00 a.m. and 1:00 p.m. The other will require the applicant to either establish a community liaison group that includes the Francisco Landscaping owners and the Holly Grove Road residents, which must meet a minimum of twice a year at the monthly Cloverly Civic Association (CCA) meeting, with Francisco Landscaping submitting a written report to the Office of Zoning and Administrative Hearings (OZAH) within thirty days of each meeting; or to attend two CCA meetings annually to discuss any neighborhood issues and work on resolution, with Francisco Landscaping submitting a written report to OZAH within thirty days of each meeting. Staff added that their findings on the Zoning standards, specifically the special exception requirements and Master Plan findings that are contained in the December 28, 2018 staff report, will remain unchanged.

Staff then briefly discussed the proposed PFCP, noting that with the original request, the applicant proposed to reduce the impervious surface level from 18.2 to 16.3 percent. At the January 10 meeting, staff noted that impervious surfaces should remain within the ten to 15 percent range. Staff noted that limiting the maximum number of parking spaces to 30 will reduce the impervious surface level to approximately 13 percent. Also, the applicant will provide additional landscaping on the west side of the property to further screen the operations from the neighboring properties, as recommended by the Planning Board at the January 10 meeting.

Staff has received a petition and letters of opposition expressing concerns regarding the proposed project's Master Plan consistency, compatibility with the surrounding neighborhood, excessive impervious surfaces associated with the project, and vehicle and pedestrian safety due to the narrowness of Holly Grove Road. Staff addressed these issues, as detailed in the May 6 technical staff report.

The following speakers offered testimony: Ms. Mary Hemingway of Snider Lane; Ms. Patricia Thomas of Holly Grove Lane; Ms. Ola Myers, adjacent property owner; and Ms. Judy Mauldin of Holly Grove Road.

Mr. Sean Hughes, attorney representing the applicant, offered a multi-media presentation, comments, and concurred with the staff recommendation.

Mr. Geovanni Argueta, member of the applicant's team, offered comments and noted that he was amenable to meeting with the CCA twice yearly.

There followed extensive Board discussion with questions to staff and some of the speakers, during which Chair Anderson instructed staff to amend the language in the condition regarding mulch deliveries to say Class 7 trucks or greater rather than semi-trucks or tractor trailers.

**2. Roundtable Discussion****A. Parks Director's Report**

B1. Operating Funds Nine Month Financial Report Including Projections to June 30, 2019.

B2. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2019.

**BOARD ACTION****Motion:****Vote:**

Yea:

Nay:

Other:

**Action: Received briefing.**

**A. 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 recent approval of the Department's FY20 Operating budget, with the County Council supporting \$2,400,000 in funding for items on the reconciliation list; the recent Raptor Festival event held on May 4 at Meadowside Nature Center; the May 8 announcement by the Rails to Trails Conservancy (RTC) that a portion of the Capital Crescent Trail (CCT) will be part of the preferred route for the nearly 4,000-mile Great American Rail-Trail; the recent Commemoration Ceremony for Dr. James J. Leder, Jr. held on May 4 at the Washington National Miracle League Field in Germantown; and the recent passing of former Montgomery Parks Historian Mike Dwyer on May 5.

There followed a brief Board discussion.

**B1. Operating Funds Nine-Month Financial Report Including Projections to June 30, 2019:** Finance Department staff briefed the Board and discussed the status of the FY19 Administration Department and Parks Department operating funds. As of March 31, staff projects property tax collections at a shortfall of 2.85 percent for the budgeted level of all funds. Revenues for the Park Fund are expected to be approximately \$2,500,000 below budget, with the Fund balance projected to decrease by approximately \$4,600,000. Contingency reserve levels are expected to remain intact, with an approximately \$356,000 Undesignated Fund Balance. Expenditure savings are projected to allow the Savings Plan required by the County to be met. Revenues for the Administration Fund are expected to be under budget at approximately \$627,000, with an Undesignated Fund Balance at approximately \$1,000,000. Staff added that for the Enterprise funds, revenue projections are approximately \$11,400,00, with expenditures projected to be approximately \$9,400,000, resulting in a net income of approximately

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**2. Roundtable Discussion**CONTINUED

\$2,200,000. Staff added that these projections do not take into account the budgeted transfers to the Capital Improvements Program (CIP) which, due to the timing of projects, have been delayed to FY20.

There followed a brief Board discussion with questions to staff.

**B2. Enterprise Funds Nine Month Financial Report Including Projections to June 30, 2019:** Enterprise Division staff briefed the Board and discussed the status of FY19 Enterprise Division operating funds and Enterprise Division events and activities. According to staff, camp programs begin in a month, with registration for most programs at capacity. Training for counselors and directors will take place on May 31 and June 1 at the Agricultural History Farm Park. A new electric Zamboni ice resurfacing machine was purchased for Wheaton Ice Arena, with improvements to the refrigeration system continuing at Cabin John Ice Rink. Spring skate class registration has begun, with Wheaton Ice Arena seeing its highest registration numbers ever, and over 900 registered for classes at Cabin John Ice Rink. Tennis camps have also begun, with the majority of the recipients of the Marye Wells-Harley Camp Scholarship Fund attending camps at the Wheaton Indoor Tennis facility, including the ACEing Autism youth tennis clinics. Regarding event centers, renovations are continuing on the Weston Hill Bunkhouse at Rockwood Manor, with renovations to the remaining cabins forthcoming. Construction for the new driveway should be completed by summer. For park facilities, three new cabins have been added at the Little Bennett Campground, which are reserved through October. Staff added that most seasonal facilities such as boat rentals, miniature golf, carousels, and trains opened last weekend, with the Splash Park at the South Germantown Recreational Park scheduled to open on Memorial Day weekend.

There followed a brief Board discussion.

**7. CLOSED SESSION**

According to MD ANN Code, General Provisions Article, §3-305(b) (10) and (12) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, and conduct or discuss an investigative proceeding on actual or possible criminal conduct.

**The topic to be discussed is gang-related activity in the parks.**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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