



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, January 7, 2021, at 9:06 a.m., and adjourned at 3:53 p.m.

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

Items 1 through 5 and Item 9 are reported on the attached agenda.

The Planning Board recessed for lunch at 12:26 p.m. and reconvened via video conference at 1:15 p.m.

Items 6 through 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:53 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 14, 2021, via video conference.

M. Clara Moise

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Sr. Technical Writer/Editor

James J. Parsons

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Montgomery County Planning Board Meeting
Thursday, January 7, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. Creekside at Cabin Branch Preliminary Plan 120200050 - MCPB No. 20-129

2. Linden Forest Subdivision Plan 620200150 – MCPB No. 20-127

BOARD ACTION

Motion: **1. CICHY/VERMA**
 2. VERMA/FANI-GONZÁLEZ

Vote:
 Yea: **1. 4-0**
 2. 5-0

Nay:

Other: **1. FANI-GONZÁLEZ ABSTAINED**

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

***B. Record Plats**

Subdivision Plat No. 220210100, North Bethesda Office Center East -- CR zone, 2 parcels;
Located on the southeast side of the intersection of Huff Court and Nicholson Lane; White Flint
Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

1. Montgomery Parks Foundation Board of Trustees, New Nominees 2021

Staff Recommendation: Approval

2. Kilmain ETC (Parcel P440), Preliminary Plan No. 120200180, Regulatory Review

Extension Request No. 2--Request to extend the regulatory review period by 4 months until April 27, 2021: An Application to create 9 lots for 8 new single-family detached houses and one existing house, on the northside of Whites Ferry Road (MD 107), west of Poolesville, approximately 3000 feet southeast of Wasche Road; 355.35 acres, 1980 Preservation of Agricultural & Rural Open Space Functional Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: 1. & 2. VERMA/CICHY

Vote:

Yea: 1. & 2. 5-0

Nay:

Other:

Action: 1. Approved the appointment of new members to the Montgomery Parks Foundation Board of Trustees.

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of December 10, 2020

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSTAINED

Action: Approved Planning Board Meeting Minutes of December 10, 2020, as submitted.

2. Roundtable Discussion

- Parks Department 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 recent promotion of Gary Burnett to Division Chief of Southern Parks; the recent appointment of five new members to the Montgomery Parks Foundation Board of Trustees; the recent induction of Chief Darryl McSwain of the Montgomery County Park Police into the Montgomery County Human Rights Hall of Fame; the Bethesda Magazine 2020 Best of Bethesda awards, with the Parks Department winning the Best Car-Free Exercise Outing, Best Bike Adventure, Great Places to Find Calm, Best Picnic Innovation, and Best Dog Park categories; the status of the Wheaton Regional Park Master Plan, with community meetings scheduled for January 13 and 14, with the latter to be conducted in Spanish and hosted by Vice Chair Fani-González; and the ongoing Virtual Winter Bingo game, which encourages the exploration and enjoyment of park facilities.

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

3. Rochambeau, The French International School

A. Special Exception Amendment No. S-862-C---Request to transmit comments to the Hearing Examiner on a Special Exception Amendment application to consolidate two off-site private educational institute school facilities, for a maximum of up to 700 students in grades pre-K through fifth grade at 9650 Rockville Pike, Bethesda; 11.20 acres; R-60 Zone; 1990 Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for Hearing by Hearing Examiner on January 22, 2021 and January 25, 2021)

B. Preliminary Forest Conservation Plan No. S-862-C---Request for a special exception amendment for a private educational institution for a maximum of up to 700 students in grades pre-K through fifth grade at 9650 Rockville Pike, Bethesda; 11.20 acres; R-60 Zone; 1990 Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. CICHY/VERMA

Vote:

Yea: A. & B. 5-0

Nay:

Other:

Action: A. Approved staff recommendation for approval of the Special Exception cited above, subject to conditions, and transmittal of 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, as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed proposed Special Exception Amendment and associated Preliminary Forest Conservation Plan (PFCP) requests to redevelop a property for pre-school and elementary Private Educational Institution uses. The 11.2-acre property, identified as Lot 1, is located on the west side of Rockville Pike (MD355), approximately 180 feet south of Pooks Hill Road, bounded by Alta Vista Road to the south, Alta Vista Terrace to the west, and is zoned Residential in the Bethesda-Chevy Chase Master Plan area. Currently, the site is developed as the Federation of American Societies for Experimental Biology (FASEB) Beaumont campus, includes approximately 186,625 square feet

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3. Rochambeau, The French International SchoolCONTINUED

of office uses in multiple buildings, as well as a barn, residence, and carriage house garage. The property is currently accessed via two curb cuts along MD355, a driveway to an adjacent parking lot along the northern property line, and a limited-use entrance on Alta Vista Terrace. Staff added that the existing driveway along the northern property line is constructed within a present-day side yard setback.

Staff noted that the applicant proposes to amend the existing Special Exception in order to adaptively re-use the property for a Private Educational Institution with a maximum enrollment of 700 students and up to 126 staff, renovate and nominally enlarge the existing office buildings, thereby increasing existing square footage by approximately 2,002 square feet, and make slight modifications to the grounds. The proposed modifications include demolition of the existing barn and carriage house garage, and construction of two new outbuildings and several play areas. The site will be accessed from MD355 via a single right-in/right-out access point. The existing driveway to an adjacent parking lot along the northern property line will remain and will be used exclusively by emergency vehicles. Once approved, the applicant would consolidate the pre-school and elementary school operations from the existing Bradley Boulevard Campus and Rollingwood Campus on Woodbine Street onto the property as a new primary school. The consolidation would allow the applicant to cease operations on both the Bradley and Rollingwood campuses and provide room to expand their primary school enrollment to a maximum of up to 200 pre-school students and up to 500 elementary school students in grades kindergarten through fifth. Staff added that the applicant's Forest Road campus would continue to operate as a high school and is not part of the application under review today. Staff then briefly discussed minor corrections to the December 17, 2020, technical staff report.

Staff then discussed the associated PFCP request, noting that while no forest is present onsite, there is a 1.66-acre afforestation requirement, which the applicant proposes to meet through a combination of 0.51-acres of Category I Conservation Easement along the central and southern portions of the site, 0.32-acres of Category II Conservation Easement along the eastern and western portions, and the purchase of credits for 0.83 acres from an off-site forest bank. Staff noted that although the applicant has proposed 1.62-acres of Category II Conservation Easement, the Forest Conservation Regulations only allow twenty percent of the overall afforestation requirement to come from this source. As a result, the remaining 1.3 acres of non-credited Category II Conservation Easement area will serve to further buffer neighboring properties and maintain existing compatibility. Additionally, the applicant has proposed an invasive species management program which will, among other things, remove vines that would otherwise adversely impact the mature trees. The applicant has also submitted a revised variance request to remove 15 high-priority trees, and to impact, but not remove, 11 others. As mitigation for the proposed tree removal, the applicant proposes 148 caliper inches of variance mitigation planting, nearly three inches more than the required mitigation. Staff supports the variance request.

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3. Rochambeau, The French International SchoolCONTINUED

Staff has received correspondence from neighboring property owners expressing concerns about potential impacts related to transportation, noise associated with outdoor play, and perimeter screening of the Private Educational Institution use. Staff has addressed each of these issues, as detailed in the December 17, 2020, technical staff report.

The following speakers offered testimony: Ms. Victoria Barrero of Alta Vista Road; Ms. Becky Umhofer, adjacent property owner; Mr. Allen Myers, representing the Maplewood Citizens Association, who offered a multi-media presentation; Mr. Carl Wilkerson of Acacia Avenue; Ms. Maureen Wilkerson of Acacia Avenue; Ms. Katee Neal of Alta Vista Road; and Mr. George McKenna of Alta Vista Court.

Mr. Jody Kline, attorney representing the applicant, offered comments, answered questions from the Planning Board, and concurred with the staff recommendation.

Ms. Dana Clark, member of the applicant's team, offered comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff, during which the Planning Board instructed staff to include an additional comment to the Hearing Examiner regarding the potential use of the adjacent parking lot to the northwest for the school's buses.

4. Vigers Addition, Administrative Subdivision Plan 620200070---R-60, 1.48 acres, Request to create two lots for one single-family dwelling unit on each lot; located on Ethan Allen Avenue approximately 600 feet west of Prince Georges Avenue; Takoma Park Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Administrative Subdivision Plan cited above, subject to conditions, as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Administrative Subdivision Plan request to subdivide a property to accommodate single-family residences. The 1.48-acre site, consisting of Lot 10 and part of Lot 11, is located on the south side of Ethan Allen Avenue, approximately 600 feet west of its intersection with Prince George’s Avenue, and is zoned Residential within the Takoma Park Master Plan area. The property is currently developed with a single-family house and a loop driveway with two access points from Ethan Allen Avenue. The property also contains 0.85 acres of forest and includes a stream valley buffer and numerous specimen trees.

Staff noted that the applicant proposes to subdivide the property into two lots, 34,582-square foot Lot 101, which contains the existing single-family detached residence, and 29,482-square foot Lot 102, which will be developed with a new single-family residence. Both lots will be accessed from Ethan Allen Avenue from the existing loop driveway, which will be separated into two distinct driveways. To address the substandard four-foot wide sidewalks and lack of vegetative buffer along the Ethan Allen Avenue frontage, the applicant will dedicate additional ROW to support the Master Planned width of 50-feet and construct a five-foot wide sidewalk with a six-foot tree panel along the frontage.

Staff has received correspondence from neighboring property owners expressing concerns regarding proposed forest clearing, grading on steep slopes with erodible soils, invasive species control, the potential for changes of addresses associated with the new development, and stormwater management. Staff has addressed these issues, as detailed in the December 28, 2020, technical staff report.

There followed a brief Board discussion with questions from staff.

5. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment:

- a. County Council’s October 2020 Group of Six Water/Sewer Service Category Change Requests
- b. County Executive’s AD 2021-1 Administrative Group of Three Water/Sewer Service Category Change Requests

Staff Recommendation: Transmit Comments to County Council and the County Executive

BOARD ACTION

Motion: VERMA/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments and recommendations to the County Executive, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed nine proposed amendments to the Montgomery County Comprehensive Water Supply and Sewerage System, consisting of six October 2020 County Council change requests and three AD 2021-01 requests. Staff noted that the Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change Request (WSCCR). Map 1, included in the December 30, 2020 staff report, shows the existing sewer service envelope recommended in individual master and sector plans for the entire County, and the locations of the nine properties requesting sewer service are shown with asterisks. Staff added that the Planning Board’s recommendations will be transmitted to the County Council and County Executive for final action. The following October 2020 County Council requests were reviewed by staff: i) WSCCR 20-PAX-01A, Michael Smith 32-acre parcel, defer action to allow the applicant time to work with Planning Department staff to bring the draft plan into conformance with the Rural Cluster Zone cluster development requirements and with the Cloverly Master Plan recommendations; ii) WSCCR 20-TRV-03A, Ashwani and Janak Arora 3.7-acre property located in the Travilah Planning Area, approve S-1, restricted to a single sewer hookup only from the abutting sewer main; iii) WSSC 20-TRV-05A, Kapoor two-acre property located in the Travilah Planning Area, deny the request for S-3 and maintain S-6, as per requirements of the Piney Branch Sewer restricted sewer access policy; iv) WSCCR 20-TRV-10A, Amir, Ahmad, and Rosa Poustinchi one-acre property located in the Travilah Planning Area, deny S-3 and

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5. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment:CONTINUED

maintain S-6, as per the conditions outlined in the Water and Sewer Plan; and v) WSCCR 20-TRV-11A, Meenu Bawa and Anand Verma 40,187-square foot property located in the Travilah Planning Area, deny S-3 and maintain S-6, as per the conditions outlined in the Water and Sewer Plan. Staff then discussed WSCCR 20-TRV-09A, Sami and Siham Ainane 2.51-acre property, identified as Outlot A, noting that the County Executive recommends denying the request for S-1 and maintaining the existing S-6, which differs slightly from an October 11, 2018, Planning Board recommendation for conditional approval of an S-1 hookup if a Concept Plan that addresses existing development challenges of the property is brought to the Planning Department Development Review Committee, and all agencies comment favorably on the proposal.

The following AD 2021-01 requests were also reviewed by staff: i) WSCCR 21-PAX-01A, William and Karen Daniels 0.5-acre property, approve S-1; ii) WSCCR 21-POT-01A, Kathryn and Timothy Raab 2-02-acre property, approve S-1 single hook-up only; and iii) WSCCR 21-TRV-01A, Helen Ra 1.27-acre property, approve S-1.

Mr. Kenneth Bawer representing the West Montgomery County Citizens Association offered testimony.

Mr. Alan Soukup of the Montgomery County Department of Environmental Protection offered brief comments and answered questions from the Board.

There followed extensive Board discussion with questions to staff, during which the Planning Board agreed to recommend a deferral of judgement for the WSCCR 20-TRV-09A request.

9. Legislative Worksession*Staff Recommendation: Discussion***BOARD ACTION****Motion:** FANI-GONZÁLEZ/PATTERSON**Vote:****Yea:** 5-0**Nay:****Other:****Action:** Received briefing and approved Legal Counsel's recommendation to pursue legislation to clarify the Maryland Forest Conservation Act mitigation banking requirements.

Legal Department staff briefed the Planning Board and discussed the potential development of legislation that will clarify the Maryland Forest Conservation Act (FCA) mitigation banking requirements. According to Counsel, the FCA defines forest mitigation banking as the intentional restoration or creation of forests undertaken expressly for the purpose of providing credits for afforestation or reforestation requirements with enhanced environmental benefits from future activities. The local forest conservation laws in Montgomery and Prince George's Counties allow their respective Planning Boards to give credits to developers who preserve existing forested lands by recording restrictive easements that remain in perpetuity. The existing laws require those credits in order for various properties to qualify for development, either by creating new forests, preserving existing forests, or a combination of both, undertaken either on- or off-site with respect to each project. A recent Maryland State Office of the Attorney General (OAG) Opinion stated that with very limited exceptions, mitigation banking credits allotted for existing forests under local laws may no longer be permissible, which could substantially impair the potential for development in Montgomery and Prince George's Counties. Counsel noted that because these local laws expressly apply to any development projects undertaken by the Commission, the County, and other governmental entities, the OAG Opinion also carries significant implications for the state and local agencies and the Capital Improvement Programs (CIP). Counsel added that the OAG interpretation of the FCA mitigation banking requirements is also significant due to the potential for the depletion of protected forest as fee-in-lieu payments become the only option for developers.

To address these concerns, Counsel is requesting formal authority to advocate and develop appropriate legislation that will clarify the FCA mitigation banking requirements, ensuring that current forest conservation banking programs continue to encourage the protection of existing, restored, or created forest without harming local economies.

There followed a brief Board discussion with questions to Legal Counsel and Planning Department staff.

6. Complete Streets Design Guidelines – Chapter 2 Update---Presentation of Revised Chapter 2, edited to address Planning Board and Public Comments.

Staff Recommendation: Approval with Comments

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus approved staff recommendation to approve Revised Chapter 2 of the Complete Streets Design Guidelines, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and briefly discussed Revised Chapter 2 of the Complete Design Guidelines, which was previously discussed at the Planning Board during worksession 3 last fall. Staff noted that, as discussed in the December 30 technical report, staff and the consultant team have incorporated comments received from the Planning Board and public testimony on Chapters 2 and 3. Staff also noted that they are working on revisions to the entire document, which is expected to be completed by the end of January and will be forwarded to the County Executive and County Council in February.

Staff then discussed revised Chapter 2, noting that the Chapter introduces Montgomery County's new street typology with various sections on i) the County's various land use contexts and explaining how street types would be used to identify priorities and inform street design; ii) presentation of an overview of how the zones are defined; iii) presentation of the streets design parameters to be used for each street type; iv) discussion of street design in constrained rights-of-way and how prioritization will be used in this guide; v) presentation of each street type and the design guidelines; vi) discussion of special street types also considered within this guidance. Staff added that the Federal functional classification will still be used, however, the context-based street types presented in the guidelines will serve as an overlay and supplement to the Federal functional classifications. Staff added that currently, Montgomery County has a road classification system distinct from the Federal Highway Administration (FHWA) highway classification system. FHWA's system is also used by Maryland Department of Transportation /State Highway Administration (MDOT/SHA). After approval of these guidelines, staff stated that it is intended that the existing county road classifications will be replaced with these new Complete Streets classifications as part of a comprehensive update to the Master Plan of Highways and Transitways.

Mr. Andrew Bossi of the Director's office at Montgomery County Department of Transportation was present at the meeting and offered brief comments.

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

7. Garrett Park Road Bridge over Rock Creek Bridge No. M-0-352: Mandatory Referral MR2021004 --- Mandatory Referral review of proposed bridge replacement on Garrett Park Road over Rock Creek.

Staff Recommendation: Approval with Comments

BOARD ACTION

Motion: VERMA/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Mandatory Referral request cited above, and to transmit comments to Montgomery County Department of Transportation, as stated in the attached transmittal letter.

In keeping with the December 30 detailed technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request by Montgomery County Department of Transportation (MCDOT) for the construction of a 66-foot wide bridge replacement along Garrett Park Road across Rock Creek to the west of Beach Drive in North Bethesda, and the construction of a temporary bicycle/pedestrian bridge on the north side of the existing bridge during construction. Staff noted that MCDOT is proposing to replace a structurally deficient roadway bridge that carries Garrett Park Road over Rock Creek within the Rock Creek Stream Valley Park. The existing bridge was built in 1965 and is a three-span steel beam with a concrete deck structure carrying a 24-foot clear roadway with a five-foot wide sidewalk. The proposed replacement bridge would include the removal and replacement of the concrete piers, abutments and super structure with prestressed Northeast Extreme Tee (NEXT) beams. The proposed work would include two 16-foot wide travel lanes, the construction of an 11.8-foot side-path on the north side of the bridge and 11-foot side-path on the north side of Garrett Park Road within the project's limits, the installation of new street lighting along Garrett Road, new approach slabs and less than 100 feet of approach roadway work at each end of the bridge with modifications made to the intersection with Beach Drive.

Staff also noted that the road and bridge would be completely closed to vehicular traffic during the construction, which would allow the contractor to complete the project in three to four months. Garrett Park Road is an unclassified road in the Master Plan of Highways and Transitways (MPOHT). It functions as a two-lane residential street connecting neighborhood and providing the northern terminus of Beach Drive. Currently, it is characterized as a two-lane, 12-foot wide travel lanes, residential road, with little to no shoulders. There is a narrow side-path on the north side of Garrett Park Road connecting the Rock Creek Trail and the Veirs Mill local

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7. Garrett Park Road Bridge over Rock Creek Bridge No. M-0-352: Mandatory Referral MR2021004

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park and extending across the Garrett Park Road bridge to Schuylkill Road. Staff added that the project, which includes full design and construction cost funding, is estimated to cost \$6.75 million, which includes final design cost, utility modification/relocation, easement cost, as well as construction costs.

Parks Department staff offered comments and answered questions from the Board.

Mr. Brian Copley of MCDOT offered comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff and MCDOT representatives, mainly focusing on the width of the proposed travel lanes on the replacement bridge and the State Highway Administration (SHA) recommendation, which defer from the federal guidelines, and the need for a temporary bridge during construction.

8. Thrive Montgomery 2050 Worksession No. 2: Section 1: Why We Need a New Comprehensive Plan for the County

Staff Recommendation: Discuss Issues and Provide Direction to Staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on Section 1 “Why We Need a New Comprehensive Plan for Montgomery County,” part of the Thrive Montgomery 2050 Study, and provided guidance to staff.

Planning Department staff offered a multi-media presentation and discussed Section 1 of the Thrive Montgomery 2050 Study “Why we need a new Comprehensive Plan for Montgomery County.” Staff discussed the initial draft of Section 1 which lays out the need for updating the county’s General Plan, the context of where we are, and the rationale for the Thrive Montgomery 2050 approach to achieve our goals of an economically competitive, equitable, and environmentally resilient place over the next 30 years. Staff noted that Section 1 will replace the first 50 pages of the current Public Hearing Draft, including the introduction, planning context and a Plan to thrive. Staff also requested the Planning Board approval of the proposed schedule and topics for future worksessions. Staff noted that except for the worksessions of January 14 and 21, all other topics are tentative and may need to be switched around to address the Planning Board’s comments.

Staff discussed the County’s economic performance and competitiveness; racial equity and social inclusion; environmental resilience; and a proposed blueprint for the future. Staff also briefly discussed a preview of worksession 3, which is scheduled for January 14, and will cover a revised housing chapter focusing on affordable and attainable housing.

There followed extensive Board discussion with questions to staff.