



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, April 8, 2021, at 9:03 a.m., and adjourned at 2:20 p.m.

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

Item 1 and Items 3 through 6 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

The Board recessed for lunch at 11:13 a.m. and convened in Closed Session at 11:17 a.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 11:17 a.m. via video conference on motion of Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present at the Closed Session meeting were Director Mike Riley, Deputy Director Miti Figueredo, Brenda Sandberg, Jai Cole, Darren Flusch, Andrew Frank, Mike Little, Bob Turnbull, and Henry Coppola of the Parks Department; Principal Counsel Emily Vaias, Senior Counsels Megan Chung and Matthew Mills, and Sr. Technical Writer/Editor James Parsons, of the Legal Department.

In Closed Session, the Board discussed the proposed acquisition of land for the future Upper Hawlings River Stream Valley Park.

The Closed Session meeting was adjourned at 11:27 a.m.

The Planning Board reconvened via video conference at 12:32 p.m.

MCPB, 4-8-21, APPROVED

There being no further business, the meeting was adjourned at 2:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 15, 2021, via video conference.

M. Clara Moise

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons

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Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, April 8, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

1. Consent Agenda

***A. Adoption of Resolutions**

1. MGCDC-CentroNia Preliminary Plan 120210050 MCPB No. 21-031
2. Flats at Knowles Station Sketch Plan 320210020 MCPB No. 21-024
3. Flats at Knowles Station Preliminary Plan 120210030 MCPB No. 21-025
4. 9119 Redwood Avenue Plan No 620210040 MCPB No. 21-030

BOARD ACTION

Motion: **1. CICHY/FANI-GONZÁLEZ**
 2. through 4. CICHY/VERMA

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

Nay:

Other: **1. PATTERSON ABSTAINED**

Action: **1. through 4. Adopted the Resolutions cited above, as submitted.**

***B. Record Plats**

Subdivision Plat No. 220210180, Griffith's addition to Woodside Park -- EOF and R-60 zones; 1 lot; located on the west side of Cameron Street, 150 feet north of Spring Street; North and West Silver Spring Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

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. Hillmead (6421 Bradley Blvd), Administrative Subdivision No. 620200160, Regulatory Extension Request No.1---First request to extend the regulatory review period, from April 22, 2021 to July 29, 2021 to create 2 single-family lots. Located at 6421 Bradley Blvd, 350 feet SE of Fallen Oak Drive; 1990 Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval of the Extension Request

2. Chevy Chase Section 5, Preliminary Plan 120210070, Regulatory Extension Request No.1---First request to extend the regulatory review period, from April 8, 2021 to July 29, 2021 for Proposed Preliminary Plan to create 2 single-family lots from a vacant parcel and with lot adjustments to four residential properties; within the R-60 Zone, approximately 4 acres. Application includes the historic Simpson House (35/072-000A). Located at the Windsor Place terminus and east side of Brookville Road; 1990 Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval of the Extension Request

3. Toll Brothers – Phase 2 Cabin Branch: Limited Major Site Plan Amendment No. 82010003A---Amendment to remove the fence requirement at the rear of lots 35 – 48 and lots 58 – 60 on Block AD and replace it with trees and landscaping within the green space along West Old Baltimore Road; located on the west side of West Old Baltimore Road approximately 2,750 feet west of I-270; 108.56 acres zoned CRT-0.5, C-0.25, R-0.25, H-65T, but reviewed under the former MXPB and RMX-1/TDR-3 Zones; 1994 Clarksburg Master Plan and Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions and Adoptions of Resolution

4. 14301 Comus Road - Preliminary Plan No. 120210100 – Regulatory Review Extension Request No. 1---Request to extend the regulatory review period from April 15, 2021 to April 15, 2022: Application to create one (1) lot for a Landscape Contractor; located at 14301 Comus Road; 9.61 acres; AR zone; 1994 Clarksburg Master Plan and Hyattstown Special Study Area.

Staff Recommendation: Approval of the Extension

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***C. Other Consent Items**

CONTINUED

5. 11801 Seven Locks Road, Willerburn Acres, Section 2 – Preliminary Plan #120210160 – Regulatory Review Extension Request No. 1---Request to extend the regulatory review period from June 8, 2021 to December 14, 2021: Application to create four (4) lots for four Single Living Units; located at 11801 Seven Locks Road; 1.02 acres; R-90 zone; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: 1., 2., 4., & 5. CICHY/VERMA
3. CICHY/FANI-GONZÁLEZ

Vote:
Yea: 1. through 5. 5-0

Nay:

Other:

Action: 1. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.
2., 4., & 5. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.
3. Approved staff recommendation for approval of the Limited Major Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of March 18, 2021

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of March 18, 2021, as submitted.

2. ~~Roundtable Discussion~~ ~~REMOVED~~

- Planning Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. 23126 Frederick Road (Lovedale Montessori)

A. Conditional Use CU-21-05: Request for a Conditional Use to operate a Day Care Center (Over 30 Persons) for 42 children, on a 0.60-acre lot located at 23126 Frederick Road, Clarksburg, MD, at the southeast corner of its intersection with Woodport Road, identified as Lot P5, Hammer Hill Subdivision, R-200 Zone, 1994 Clarksburg Area Master Plan.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for Hearing by Hearing Examiner on April 19, 2021)

B. Water Quality Plan CU-21-05 23126 Frederick Road (Lovedale Montessori): Request for a Conditional Use to operate a Day Care Center (Over 30 Persons) for 42 children, on a 0.60-acre lot located at 23126 Frederick Road, Clarksburg, MD, at the southeast corner of its intersection with Woodport Road, identified as Lot P5, Hammer Hill Subdivision, R-200 Zone, 1994 Clarksburg Area Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. FANI-GONZÁLEZ/VERMA

Vote:

Yea: A. & B. 5-0

Nay:

Other:

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

B. Approved staff recommendation for approval of the Water Quality Plan cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use and the associated Preliminary/Final Water Quality Plan (P/FWQP) requests to operate a Day Care Center. The 0.6-acre property, identified as Lot P5, is located on the southeastern quadrant of the intersection of Frederick Road (MD355) and Woodport Road and is zoned Residential within the Clarksburg Master Plan area, the Clarksburg Special Protection Area (SPA), and the Little Seneca Creek watershed. The site is currently developed with a 2,134-square foot single-family detached dwelling and has approximately 295 feet of frontage on Westport Road and 100 feet of frontage on MD355.

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3. 23126 Frederick Road (Lovedale Montessori)CONTINUED

Staff noted that the applicant proposes to utilize the existing single-family dwelling, with minimal alterations, for the operation of a Day Care Center for a maximum of 42 children from three years to pre-kindergarten age. The proposed Day Care Center will operate from 7:30 a.m. to 6:30 p.m. Up to six evening events will be held throughout the year, for social events or employee training sessions, which will not extend past 9:00 p.m. A maximum of four staff members and one administrator will be onsite at any one time. On-site staff training and organizational meetings will typically be held during regular business hours. The proposed alterations to the site include a play area for the children in the rear of the property, which is currently fenced in and heavily screened by existing landscaping and an established set back distance; a proposed deck to the rear of the structure; and modifications to the existing seven-space parking area to accommodate access onto the property solely from Woodport Road, and a right-turn only exit onto MD355.

Staff then briefly discussed the proposed accompanying P/FWQP, noting that the proposed project will result in approximately 18.7 percent impervious surfaces, slightly below the typical 19 percent level. Staff noted that the Montgomery County Departments of Permitting Services (DPS) and Environmental Protection (DEP) conditionally approved the elements of the P/FWQP. Staff added that while the 0.6-acre property was granted a small property Forest Conservation Exemption in November 2020, the applicant has submitted a Tree Save Plan that identifies stress reduction measures designed to minimize construction related impacts to specimen trees located on site.

Staff has received six letters from neighboring property owners in support of the proposed project, though one did express concern regarding the proposed use of street parking on Woodport Road. Staff has addressed this concern, as detailed in the March 26 technical staff report.

Mr. Geoffrey Ciniero, member of the applicant's team, offered comments and answered questions from the Planning Board.

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

***4. Lake Potomac, Preliminary Plan No. 12013028A**---A request to reinstate Preliminary Plan No. 120130280, which was approved for the creation of four lots for four single-family dwelling units. Located in the southeast quadrant of the intersection of Stoney Creek Road and Stoney Creek Way; 2002 Potomac Subregion Master Plan; RE-2 zone; 11.11 acres.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Preliminary Plan Amendment cited above, subject to conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to re-instate a previously approved Preliminary Plan to subdivide a property for single-family dwelling units. The 11.11-acre property, consisting of parcels P384, P426, and P475, is located on the southeast quadrant of the intersection of Stoney Creek Road and Stoney Creek Way and is zoned Residential Estate (RE-2) within the Potomac Subregion Master Plan area. Parcel 426 is currently developed with an existing house and a private driveway that provides access to Stoney Creek Way. The remaining parcels are unimproved.

Staff briefly discussed previous approvals, including a 2015 Preliminary Plan that created four lots for four single-family dwellings with a 60-month validity period and an 85-month Adequate Public Facilities (APF) validity period. Following approval of the Preliminary Plan, the applicant submitted a Record Plat application, which was accepted in August 2015 and subsequently approved by the Planning Board in July 2019. However, due to practical difficulties and undue hardship, including long-term debilitating health issues and the COVID-19 pandemic, the applicant was unable to file the Record Plat prior to expiration of the Preliminary Plan validity on June 19, 2020. Because an extension request was not submitted prior to expiration of the Preliminary Plan validity, the original APF validity, which would have remained valid until June 19, 2022, is also now void.

Staff noted that following the reinstatement of the Planning Board approval of the Preliminary Plan and the original APF validity period, the applicant is requesting the extension of the Preliminary Plan validity period through June 19, 2022 and the APF through June 19, 2024,

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***4. Lake Potomac, Preliminary Plan No. 12013028A**

CONTINUED

and proposes to create four lots to accommodate four single-family dwelling units. Staff added that the applicant does not propose to alter the intent of the original Preliminary Plan approval.

Staff has received correspondence from an adjacent property owner expressing concerns regarding the location of the driveway and landscape screening for the southeastern lot. Staff has addressed these concerns, noting that the application places the driveway along the stem of the Stoney Creek Way cul-de-sac, as preferred by the adjacent property owner, and proposes a row of American holly trees to provide adequate screening.

Mr. Bob Harris, attorney representing the applicant, offered comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

5. Scope of Work for the Fairland and Briggs Chaney Master Plan---The Fairland and Briggs Chaney Master Plan is a comprehensive update to a portion of the 1997 Fairland Master Plan. Staff will provide an overview of the proposed scope of work, which includes the proposed plan boundary and study area, and requests approval.

Staff Recommendation: Approval of the Scope of Work

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, approved staff recommendation for approval of the Scope of Work for the Fairland and Briggs Chaney Master Plan, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the proposed Scope of Work for the Fairland and Briggs Chaney Master Plan, an update to a portion of the 1997 Fairland Master Plan that includes the proposed plan boundary, purpose, overall planning framework, elements to explore, a public engagement strategy, and project schedule. The study area and proposed plan boundary consist primarily of the Fairland and Briggs Chaney communities along the Columbia Pike (US29) corridor, extend south from Greencastle Road to just north of Paint Branch, and include the East County Community Center, the East County Regional Services Center, Fairland Recreational Park, Paint Branch High School, the Briggs Chaney Market Place, an auto sales park consisting of 11 branded dealerships, and three flash Bus Rapid Transit (BRT) stations and walksheds. Staff noted that the recommended corridor-focused plan boundary area will concentrate planning efforts along the US29 and Briggs Chaney Road commercial corridors as well as the residential communities within the three BRT station area walksheds. According to staff, the proposed planning framework of the plan will mirror the Thrive Montgomery 2050 Update to the General Plan and its focus on economic health, community equity, and environmental resiliency, as well as social justice, affordable and attainable housing, and the impacts of two major transportation projects, including the Inter-County Connector (ICC) controlled-access highway (MD200), which became fully operational in 2014, and the County’s first BRT, which began operation between downtown Silver Spring and Briggs Chaney in October 2020. The plan will also explore such elements as complete communities, connectedness, a resilient economy, mobility, historic resources, the environment, and parks and open space.

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5. Scope of Work for the Fairland and Briggs Chaney Master PlanCONTINUED

Staff briefly discussed the history and demographics of the area, noting that the current population of the study area is approximately 36,800 and racially diverse. While a study of the area revealed that most residents feel that the area is affordable and a good value for quality of life, concerns among community members include broken connections and obstacles between neighborhoods and community facilities, the inaccessibility of the Fairland Recreational Park, the lack of civic space or a “third place” for social gatherings, and existing safety issues in Edgewood Park.

Staff then discussed the community engagement strategy for the plan, which will gather the input of residents, business owners, grassroots community organizers, experts and influencers, and County government representatives, and include Listening, Visioning, Refining, and Sharing Phases throughout the two-year planning process. Community participation will be facilitated through the use of interactive web-based tools, such as the master plan webpage, social media, e-newsletters, online surveys, and e-mail; a proposed Spring Speakers Series; door-to-door canvassing; staff attendance at regular meetings of established community, business, and civic organizations; open virtual office hours; socially distanced visits with local businesses; and staff attendance at in-person community events, COVID-19 restrictions permitting.

Following approval of the Scope of Work, the next steps for the plan include the Spring Speakers Series scheduled throughout spring 2021; an Existing Conditions Analysis and community engagement efforts scheduled for April through August; the Visioning Phase and development of the Preliminary Draft of the plan scheduled for September 2021 through May 2022; development of the Working Draft scheduled for June through August 2022; Planning Board worksessions and Public Hearing scheduled for September through December 2022; approval of the Planning Board Draft of the plan scheduled for December 2022; County Executive and County Council review and County Council Planning, Housing, and Economic Development (PHED) Committee worksessions scheduled for January through June 2023; Planning Board adoption of the plan scheduled for July 2023; and approval of a Sectional Map Amendment scheduled for fall 2023.

There followed extensive Board discussion with questions to staff, during which the Board provided guidance to staff.

6. Mandatory Referral MR2021011, Dennis Avenue Bridge Replacement---
 Construction of new bridge structure (Bridge M-0194) on Dennis Avenue over Wheaton Branch, a tributary of Sligo Creek. Master Plan -Kensington-Wheaton Master Plan (1989)

Staff Recommendation: Approval with Comments

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit comments to Montgomery County Department of Transportation, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request by the Montgomery County Department of Transportation (MCDOT) for improvements to an existing bridge. The 59-foot wide existing bridge across Wheaton Branch is located along Dennis Avenue, approximately 1,600 feet east of Georgia Avenue (MD97), within the Kensington/Wheaton Master Plan area. The existing single-span concrete beam bridge currently accommodates two lanes of traffic and a four-foot, eight-inch wide sidewalk on each side and is supported by concrete abutments. A 2019 biennial inspection revealed that the prestressed concrete void slab beams and concrete abutments have severe cracks and exposed reinforcement, requiring replacement of the bridge.

Staff noted that MCDOT proposes to remove the existing bridge and replace it with a new three-cell, three-sided precast concrete arch culvert for two 11-foot wide travel lanes, two five-foot wide bicycle compatible shoulders, and a 2-foot striped buffer between the compatible shoulder and travel lane in each direction for a total clear roadway width of 36 feet. The proposed bridge will also include 13-foot shared use path along the north side, a seven-foot wide sidewalk on the south side, and a 19-inch wide parapet on both sides for a total width of 59 feet, two inches and a length of 80 feet. A temporary 12-foot wide pedestrian bridge with an eight-foot wide side path for bicycles will be constructed on the north side of the existing bridge for use during construction. While not part of the Mandatory Referral under review today, staff noted that Montgomery County Department of Environmental Protection (DEP) is currently conducting a Wheaton Branch Flood Mitigation project that will work together with the Dennis Avenue Bridge Replacement project to mitigate ongoing flooding issues along Glenhaven Drive,

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6. Mandatory Referral MR2021011, Dennis Avenue Bridge Replacement

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Dennis Avenue, and other nearby streets. The proposed mitigation measures will include stream channel widening at the upstream and downstream of the Dennis Avenue Bridge and modifications to the existing stormwater management ponds downstream.

Staff then discussed their recommendations, which include reducing the total bridge travel-way width from 36 to 30 feet by reducing the shoulder width from five to four feet and eliminating the two-foot wide buffers. Staff also recommends increasing width of side-path on the north side of the proposed bridge to 14 feet, and the width of the sidewalk on the south side to 10 feet.

Mr. Barry Fuss of MCDOT offered brief comments and answered questions from the Planning Board.

There followed extensive Board discussion with questions to staff and Mr. Fuss, during which the Planning Board instructed staff to include comments recommending that the abrupt sidewalk and bike lane transitions from the roadway to the bridge be addressed.

7. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

The topic to be discussed is the proposed acquisition of land for the future Upper Hawlings River Stream Valley Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Thrive Montgomery 2050 Planning Board Draft

Staff Recommendation: Approve Planning Board Draft for Transmittal to the County Executive and the County Council

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to approve the Thrive Montgomery 2050 Planning Board Draft and to transmit it to the County Executive and the County Council.**

Planning Department Director Gwen Wright offered brief comments thanked all the staff members who contributed to the draft Plan. Planning Department staff offered a brief presentation and noted that the Thrive Montgomery 2050 Planning Board Draft Plan encompasses an Introduction, six main policy chapters, a Conclusion, two appendices, and a list of sources for the data and graphics included in the Plan. Two other supporting documents are published as separate documents as they are not part of the Plan document: 1) *Engagement and Outreach* describes the community involvement strategies and tools used to gather feedback from the public; and 2) *Recommended Actions and List of References* includes recommended actions to implement Thrive Montgomery's goals and policies over the next 30 years, and a list of plans and studies conducted by Montgomery Planning as well as outside research material used during the Thrive Montgomery 2050 Plan development process.

After the Planning Board's approval, staff will transmit the Planning Board Draft Plan to the County Council and the County Executive. The Regional District Act requires the County Executive to transmit within 60 days a fiscal impact analysis and other comments and recommendations to the County Council. After receiving the County Executive's comments, the County Council will hold a public hearing to receive public testimony. After the hearing record is closed, the Council's Planning, Housing and Economic Development (PHED) Committee will hold public worksessions to review testimony and make recommendations on the Planning Board Draft Plan to the full Council. The full Council will then hold worksessions, make any changes to the draft Plan, and adopt a resolution approving the Planning Board Draft Plan, as revised. After County Council approval, Thrive Montgomery 2050 Plan will be adopted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) as the new General Plan for Montgomery County.

There followed a brief Board discussion with questions to staff/.

9. Mandatory Referral (MR2021003) for a new communications tower at the Shady Grove Metro railyards, 15903 Somerville Drive.

Staff Recommendation: Transmit comments to the Washington Metropolitan Area Transit Authority

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Mandatory Referral request cited above, and to transmit comments to the Washington Metropolitan Area Transit Authority.

In keeping with the April 1 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request for a new communications tower to be installed at the Shady Grove Metro railyards on Somerville Drive in the Shady Grove Sector Plan area. Staff noted that The Washington Metropolitan Area Transit Authority (WMATA) operates communications networks for daily and emergency communication systems, including WMATA rail, buses, and Transit Police. WMATA is tasked with ensuring that these emergency responders have effective and reliable radio coverage throughout areas serviced by the transit agency. The proposed tower will accommodate an upgrade to the current service from 490 to 700 Megahertz (MHz). New base stations are required to implement the latest technologies. The Shady Grove WMATA railyard is located west of the CSX rail tracks and north of the Metrorail station entrance. A variety of light-industrial properties are located to the immediate west, including the Montgomery County Transfer Station and Recycling operations, a United States Postal Service Center, and a CarMax automotive sales center. The CarMax property is within the City of Gaithersburg. A vacant property is located at the intersection of Frederick Road (MD 355) and Shady Grove Road. The emerging Shady Grove Station, Westside mixed-use neighborhood is located to the east and across the CSX tracks. Further south is the WMATA surface parking area, the Bainbridge at Shady Grove, a multifamily residential development in the City of Rockville, and commercial properties along MD 355.

Staff added that WMATA proposes to locate a communications tower within the Shady Grove railyards to comply with federally required communication upgrade. The tower will be placed in an enclosed area, of approximately 4,454 square feet, along with an equipment shelter

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9. Mandatory Referral (MR2021003) for a new communications tower at the Shady Grove Metro railyards, 15903 Somerville Drive.CONTINUED

and a propane tank. Additional space within the enclosed area and on the tower will allow space for future collocation opportunities. The site contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, known occurrences of rare, threatened, or endangered species, or significant or specimen trees. Planning staff confirmed a Forest Conservation Exemption for this project on February 9, 2021. As proposed, the project complies with Chapter 22A of the Forest Conservation Law, and in is conformance with the Planning Department's Environmental Guidelines. The facility will not generate any trips and is not subject to a Local Area Transportation Review (LATR) study. There is no impact on master-planned roadways because the facility's location is internal to WMATA's existing railyard.

Staff also noted that the Shady Grove Advisory Committee and surrounding civic associations have received notification regarding the submitted proposal. As of the date of this report, no comments have been received regarding this request. Staff recommended approval of the Mandatory Referral request and the transmittal of comments to WMATA.

There followed a brief Board discussion with questions to staff.

10. Mandatory Referral and Amended Final Forest Conservation Plan (MR2021009) for the new Northwood High School, 919 University Boulevard West in Silver Spring.

A. Northwood High School: Mandatory Referral, No. MR2021009---Replacement of the existing Northwood High School with a new 158,671 square foot facility with site amenities and parking; located at 919 University Boulevard West, Silver Spring; on 29.56 acres of land zoned R-60; within the 2001 Kemp Mill Master Plan.

Staff Recommendation: Transmit comments to Montgomery County Public Schools and the Board of Education.

B. Northwood High School: Amended Final Forest Conservation Plan, No. MR2021009--- Variance request to remove and impact specimen trees; located at 919 University Boulevard West in Silver Spring, Maryland on 29.56 acres of land zoned R-60; within the 2001 Kemp Mill Master Plan. This Plan is an amendment to previously approved FCP #MR2008601.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. FANI-GONZÁLEZ/VERMA**
 B. FANI-GONZÁLEZ/PATTERSON

Vote:
 Yea: **A. & B. 5-0**

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Mandatory Referral request, cited above, subject to conditions, and to transmit comments to Montgomery County Public Schools and the Board of Education.**

B. Approved staff recommendation for approval of the Amended Final Forest Conservation Plan, subject to revised conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request and associated Amended Final Forest Conservation Plan for the construction of a new 158,671 square-foot Northwood High School with an enrollment capacity of up to 2,700 students located on a 29.5-acre site on University Boulevard West in the Kemp Mill Master Plan area, as discussed in detail in the April 1 technical staff report. Staff noted that the existing high school will be demolished and rebuilt in the same location on the property. The high school is located within the Down-county Consortium and the Planning Board’s review on a Mandatory Referral is advisory.

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10. Mandatory Referral and Amended Final Forest Conservation Plan (MR2021009) for the new Northwood High School, 919 University Boulevard West in Silver Spring.CONTINUED

Staff noted that Montgomery County Public Schools (MCPS) proposes to build a new Northwood High School, which was originally built in 1956. The school's current enrollment is more than 1,800 students, and it is projected to be more than 2,000 students by 2025. The new school facility will increase the enrollment capacity to 2,700 students. The proposed four level building is organized around a central courtyard with the academic areas to the north and activities, such as the gym and auditorium, to the south. The proposed building is approximately 158,671 square feet in size. Bus circulation and drop-off will occur in the front of the building with additional parking for visitors and staff to the north, south and east of the building. A variety of athletic fields, including a synthetic turf football field, four tennis courts, two basketball courts, and a softball field and a baseball field are located east of the new school. The existing cell tower will remain adjacent to the tennis courts.

Staff then discussed the proposed amended Final Forest Conservation Plan (FFCP) noting that the property is subject to the Montgomery County Forest Conservation Law and MCPS has submitted an amended Preliminary/Final Forest Conservation Plan in conjunction with Mandatory Referral No. 2021009. As previously noted, there is no forest on-site, but there are several specimen trees present that are each considered a priority for retention. The property is an institutional development which gives the which gives the property an afforestation requirement of 15 percent of the net tract and a forest conservation threshold of 20 percent. This amendment to the Forest Conservation Plan proposes an update to the forest conservation worksheet, landscape forest conservation credits, and a Category II Conservation Easement. The site has a 4.43-acre requirement for afforestation and is subject to Section 22A-12.D.2, which states. "Afforestation should be accomplished by the planting of forest cover. However, if the applicant demonstrates to the satisfaction of the Planning Board or the Planning Director that afforestation using forest cover is inappropriate for a site because of its location in an urban setting, redevelopment context, high-density residential, commercial, industrial, planned unit development, or institutional area, as defined in Section 22A-3 of the Forest Conservation Law, or similar reason, afforestation requirements may be satisfied by tree cover." Staff recommended that the Planning Board find that using tree cover is appropriate in this instance due to the Property's location in an urban setting, its redevelopment context, and on land occupied by a school use. Additionally, this finding would be consistent with the original Forest Conservation Plan approval that permitted tree cover instead of forest cover on the Site. MCPS proposes to satisfy the 4.43-acre afforestation requirement with a combination of landscape forest conservation credits via 3.19 acres of on-site plantings to provide additional tree canopy coverage and 1.24-acre forest bank credits. The 3.19 acres of landscape credit areas are shown in three separate delineations on the property and are proposed for preservation in a Category II Conservation Easement. The proposed plantings have been intentionally placed to address the lack of canopy in the parking area to the greatest extent feasible and along the Site's southern property line to address and reduce headlight glare from the new parking spaces onto existing

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10. Mandatory Referral and Amended Final Forest Conservation Plan (MR2021009) for the new Northwood High School, 919 University Boulevard West in Silver Spring.CONTINUED

homes. Plantings in this area include native evergreen trees that can provide a sufficient year-round buffer. Additional on-site plantings for tree cover within the site are constrained by a new site circulation and parking arrangement and stormwater management facilities in various places strategically near existing parking on the Property. MCPS proposes to satisfy the remaining 1.24-acre planting requirement by the purchase of credits in an offsite forest bank within the same watershed, or if unavailable, somewhere else in the County. If forest bank credits are unavailable, MCPS will make a forest conservation fee-in-lieu payment to The Maryland-National Capital Park and Planning Commission (MNCPPC) Planning Department.

Mr. Gary Mosesman of MCPS offered brief comments and answered questions from the Planning Board.

Ms. Kathleen Michels of Ladd Street and representing Safe Healthy Playing Fields and One Montgomery Green offered testimony.

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

Chair Anderson noted that considering the Board's review of the proposed project, it is recommended that MCPS be more inventive architecturally, and come up with a more innovative design for the future school building.

11. Forest Conservation Fees: In-lieu Fee and Administrative Civil Penalty Rate*Staff Recommendation: Briefing and Approval***BOARD ACTION****Motion:** CICHY/VERMA**Vote:****Yea:** 5-0**Nay:****Other:****Action:** **Approved staff recommendation of Forest Conservation In-Lieu Fee and Administrative Civil Penalty Rate as discussed during the meeting.**

Ms. Christina Sorrento, Chief of the Intake and Regulatory Coordination (IRC) Division offered a multi-media presentation and briefly discussed proposed Forest Conservation Fees: In-lieu Fee and Administrative Civil Penalty Rate. Ms. Sorrento noted that Montgomery County Council Resolution 15-1271 requires the Planning Board to adjust the forest conservation in-lieu amount and administrative civil penalty based on the Consumer Price Index for the Baltimore-Washington Area, or any successor index. The County resolution indicates that increases shall only be based on the two most recent calendar years. Based on the direction provided in County Council Resolution 15-1271, staff recommends the Planning Board set the in-lieu rate and the maximum administrative civil penalty to the following amounts: a \$0.05 increase to the forest conservation in-lieu fee amount to a new rate of \$1.30 per square foot, and a \$0.35 increase to the maximum administrative civil penalty allowable for forest conservation violations to a new rate of \$11.75 per square foot.

Staff added that these new rates will become effective July 1, 2021. County Council Resolution 15-1271 does not include a grandfathering clause therefore, applicants desiring to meet their forest conservation requirements via an in-lieu fee payment after July 1, 2021 must pay at a rate equal to \$1.30 per square foot regardless of when the plan was approved. Similarly, violations to the Chapter 22A of the County code can be assessed civil administrative penalties based on the higher rate after July 1, 2021.

There followed a brief Board discussion with questions to Ms. Sorrento.