



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 Wednesday, September 15, 2021, at 11:24 a.m., and adjourned at 2:37 p.m.

Present were Chair Casey Anderson and Commissioners Gerald R. Cichy, Tina Patterson, and Partap Verma.

The Board recessed at 11:15 a.m. and convened in Closed Session at 11:26 a.m. to take up Item 8, 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 11:26 a.m. via video conference on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson 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)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the meeting were Principal Counsel Emily Vaias, and Sr. Technical Writer/Editor James Parsons of the Legal Department.

In Closed Session, the Board approved the Closed Session Minutes of March 11; April 8, 15, and 29; June 10; and July 29, 2021.

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

The Planning Board reconvened via video conference at 11:29 a.m.

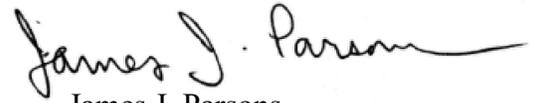
Items 1 through 3 and Items 7, 6, 5, 4A, and 4B, discussed in that order, are reported on the attached agenda.

MCPB, 9-15-21, APPROVED

There being no further business, the meeting was adjourned at 2:37 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 23, 2021, via video conference.

M. Clara Moise

M. Clara Moise
Sr. Technical Writer/Editor



James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Wednesday, September 15, 2021
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

8. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

The topic to be discussed is the approval of Closed Session Minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

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. 220210010, Chevy Chase View --- R-90 zone; 2 lots; located on the north side of Saul Road, 150 feet west of Gartrell Place; Kensington-Wheaton Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other:

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

***C. Other Consent Items**

1. Wheaton Gateway, Sketch Plan No. 320210060 Extension Request No. 2---Request to extend the regulatory review period for Sketch Plan Amendment No. 320210060 for five months, from September 16, 2021 to February 24, 2022; located on Southwest corner of the Veirs Mill Road and University Boulevard; on approximately 5.16 acres of land zoned CR 5.0, C-4.5, R-4.5, H-130; CR 3.0, C-2.5, R-2.5, H-100; and CRN 1.5, C-.25, R-1.5; within 2010 Wheaton CBD and Vicinity Sector Plan.

Staff Recommendation: Approval of the Extension Request

2. Village at Cabin Branch Phase 2: Site Plan No. 82020015A, Regulatory Review Extension Request No. 1---Request to extend the regulatory review period for an additional 3 months until December 16, 2021; Application to add 125 multi-family dwelling units and a 12,900 SF daycare, and decrease the commercial buildings by 6,000 SF to a total of 10,000 SF; 69.94 acres; MXPDP Zone; located at the southeast quadrant of the intersection of Cabin Branch Avenue and Little Seneca Parkway; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion:

Motion: 1. & 2. CICHY/VERMA

Vote:

**Yea: 1. 4-0
2. 3-0**

Nay:

Other: 2. PATTERSON ABSTAINED

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

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

D. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

2. Roundtable Discussion

- Parks Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department Director's Report – Parks Department Director Mike Riley offered a multi-media presentation and briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of the Parks, Recreation, and Open Space (PROS) Plan update, Powered by Parks, with staff currently conducting a community survey; the recent Celebration of International Underground Railroad Month event held at the Josiah Henson Museum and Park on September 1; the recent Urban Tree Summit 2021 conference held on September 8, which featured experts who spoke on topics such as healthy levels of decay and disease in urban forests, mainstreaming urban forestry for healthier and more resilient cities, and assessing biodiversity ecosystem services of urban forests; the recent Josiah Henson Community Celebration event held on September 12; the upcoming Opera in the Circle event scheduled for September 22 at Warner Circle Park; and the upcoming Halloween Eye Spy Trains events, which begins September 15 at Cabin John and Wheaton Regional Parks.

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

3. Black Hill Regional Park---Authorization to acquire 2.41 acres, more or less, unimproved, from Dice Investors Inc, located at 21140 Clarksburg Rd Boyds, MD 20841.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed land acquisition cited above and adopted the attached Resolution.

Parks Department staff offered a multi-media presentation and discussed the proposed acquisition of land as an addition to the Black Hill Regional Park. The approximately 2.41-acre unimproved site, identified as the Dice property, Parcels 340, 232, and 230, is located on the west side of Clarksburg Road (MD121), abutting the Black Hill Regional Park along the south and northeast property lines, and is zoned Residential Estate (RE-2). The property is an undeveloped building lot and is primarily wooded.

Staff noted that following acquisition, the property will provide the additional space and safe access to MD121 needed for a parking area for the Cool Springs Run Trailhead, considered an urgent priority by the Northern Management Region and Trail Planning Section. Maryland Department of Transportation/State Highway Administration (MDOT/SHA) staff have visited the site and confirmed that the Dice property will qualify for safe access to MD121 and that the existing adjacent parkland does not qualify for access due to site line related safety concerns.

Staff added that the acquisition will also expand the buffer provided by the park for the Little Seneca Reservoir.

There followed a brief Board discussion with questions to staff.

7. Lease (Term) Approval – Meadowbrook Stables/Meadowbrook Foundation, Inc.--- Lessee’s request for an extension of the 20 year Lease term to 31 years total requires lease term approvals by the Planning Board and Montgomery County Council pursuant to Maryland Code, Ann., Land Use Article, §17-204(a)(2)(i), which provides that any lease of park land in excess of 20 years be approved by Montgomery County Council.

Staff Recommendation: Approve the Meadowbrook Foundation, Inc./Meadowbrook Stables Lease Term Extension

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other:

Action: Following a brief discussion, approved staff recommendation for approval of the lease term agreement cited above.

Parks Department staff briefly discussed a new lease term agreement for the Commission-owned Meadowbrook Stables, located on Meadowbrook Lane in Chevy Chase, Maryland. According to staff, the current leaseholder and operator of the facility, Meadowbrook Foundation, Inc., plans to install solar panels on the roof of a new covered pavilion, and is requesting to amend the existing lease to extend its term for an additional eleven years through August 31, 2041, for the purpose of aligning it with the solar project agreement term, to allow the solar vendor to seek appropriate financing proposed under the solar agreement.

There followed a brief Board discussion with questions to staff.

5. Stonegate Elementary School

A. Preliminary Forest Conservation Plan No. MR2021035---Proposed new elementary school, approximately 84,130 SF building, play areas and associated infrastructure to replace existing school on a 10.26-acre property; located at 14801 Notley Road, approximately 15 feet east of Fieldstone Road in Silver Spring, MD; Parcel C and Parcel D, (Tax Account No. 00366856 and 00366867), R-200 Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. MR2021035---Proposed new elementary school, approximately 84,130 SF building, play areas and associated infrastructure to replace existing school on a 10.26-acre property; located at 14801 Notley Road, approximately 15 feet east of Fieldstone Road in Silver Spring, MD; Parcel C and Parcel D, (Tax Account No. 00366856 and 00366867), R-200 Zone, 1997 Cloverly Master Plan.

Staff Recommendation: Denial and Transmittal of Comments to Montgomery County Public Schools

BOARD ACTION

Motion: **A. & B. VERMA/CICHY**

Vote:

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

Nay:

Other:

Action: **At the request of the applicant, the Planning Board voted to defer action on these Items.**

Planning Department staff offered a multi-media presentation and discussed proposed Mandatory Referral and associated Preliminary Forest Conservation Plan (PFCP) requests from Montgomery County Public Schools (MCPS) to build a new educational facility. The 10.26-acre property, identified as Parcels C and D, is located on Notley Street, approximately 15 feet east of its intersection with Fieldstone Road, and is zoned Residential within the Cloverly Master Plan area. The site is currently developed with the existing Stonegate Elementary School. A stream valley buffer for Rolling Stone Tributary, a tributary of Northwest Branch, is located on the south and east sides of the property. There is 0.92 acres of forest onsite along the east and south east portions. Additionally, individual trees ring the existing school.

Staff noted that MCPS proposes to demolish the existing school building, and remove temporary classrooms, play areas, and associated infrastructure, and redevelop the site with a new three-story, 84,130-square foot school facility for children in pre-kindergarten through grade five. The project will increase the program capacity of the school and is proposed

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5. Stonegate Elementary SchoolCONTINUED

to be completed in July 2023. The new building, which will utilize the foundation of the existing gymnasium wing, will be located near the northern center of the property, with the parking, bus loop, and student drop-off loop to be located to the west along Notley Road, and the ballfields and play areas to be located on the southeastern portion of the site. Two drop-off and parking loops will connect to Notley Road, with the north loop to be used for school bus drop-off and faculty parking and the south loop to be used for student drop-off and additional faculty and visitor parking. Americans with Disabilities Act (ADA) compliant paths will be accessible from the school building, and the various play areas from the drop-off loops and parking areas. In addition, concrete walk connections will be installed to provide access to the walks next to Notley Road.

Staff noted that the proposed PFCP covers a net tract area of 10.42 acres, which includes the property and 0.15 acres of offsite improvements. Of the 0.92 acres of existing onsite forest, MCPS proposes to clear 0.61 acres, resulting in an afforestation requirement of 1.86 acres, which will be met with the planting of 1.92 acres of forest onsite that will be protected in a Category I Conservation Easement. Staff added that MCPS has submitted a variance request to remove eight high priority trees and impact three others, which will be mitigated with the planting of 22 overstory trees onsite. Staff supports the variance request.

Staff then discussed their recommendations, noting that the proposed layout of the new school makes the parking lots, drop-off and pickup areas, and bus loops the prominent features from the public right-of-way, Notley Road, rather than the school, a primary civic institution. The current Master Plan recommendations and Vision Zero require public/civic institutional structures to activate and front onto the public realm, while providing safe and adequate pedestrian and rolling options for all residents. As submitted, the current design eliminates any sense of community building and community framing and does not support the Master Plan objectives. To address these issues, staff recommends constructing a building that fronts Notley Street; expanding parking from its current location at the side of the school into the rear of the building; adding a parallel parking lane along the edge of Notley Road which can be used for bus loading and pick-up in the morning and evening, and would allow guest parking and neighborhood parking during off hours; and a reduction of impervious surfaces. Staff noted that until the design issues are addressed, they recommend denial of the Mandatory Referral request and recommended transmittal of the recommendation to MCPS. Staff added that they are willing to continue working with MCPS to address these outstanding issues.

Messrs. Seth Adams and Dennis Cross of MCPS offered comments.

Mr. Ran Ilkovitch, architect consultant from SEI Design Group, also offered comments and discussed the project elements.

There followed extensive Board discussion with questions to staff, during which Chair Anderson noted that because the proposed design of the school is not acceptable, the proposed PFCP request should also be denied, with Commissioners Patterson and Verma recommending a deferral pending further discussion with staff rather than denial.

Following further discussion, Mr. Adams requested a deferral for the Mandatory Referral and the PFCP pending further discussion with Planning Department staff.

6. MR2021034 Mandatory Referral Montgomery County Solar Array at the Former Oaks Landfill---Proposed solar array on a 24-acre property; located at 6010 Riggs Road, in the eastern quadrant of the intersection of Olney-Laytonsville Road and Riggs Road, in Gaithersburg, MD; a single Parcel shown as P200, (Tax Account No. 00005398), AR Zone, 2005 Olney Master Plan.

Staff Recommendation: Approval to Transmit Comments to the Montgomery County Department of General Services

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other:

Action: **Approved staff recommendation to transmit comments to the Montgomery County Department of General Services, as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request from the Montgomery County Department of General Services (DGS) to construct a new solar array. The 24-acre property, a portion of the 545-acre former Oaks Landfill site, which is owned by the County, is located on the northeast quadrant of the intersection of Olney-Laytonsville Road (MD108) and Riggs Road and is zoned Agricultural Reserve (AR) within the Olney Master Plan area. According to staff, 170 acres of the former landfill is now capped and currently generates electricity using methane gas naturally produced by the site.

Staff noted that DGS proposes to construct a six-megawatt (MW) alternating current (AC) project on 24 acres of the 170 capped acres, split into three arrays, each of which are rated at approximately 2 MW AC. There will be a total of approximately 20,000 solar panels capable of producing approximately 11.4 million kilowatt hours (kWh) of AC electrical power annually. In addition to the arrays, associated equipment pads, electrical appurtenances, and security fencing will be installed. A 12-foot wide gravel access road will be utilized during construction and operation of the solar array. The arrays will be surrounded by a seven-foot tall chain link security fence. The solar arrays will be installed utilizing a ballasted mounting system so as not to penetrate the landfill cap.

Ms. Amy Donin and Mr. Chris Brown of DGS offered brief comments.

There followed a brief Board discussion with questions to staff and DGS representatives.

4A. Takoma Junction Regulatory Extension Request #5, Preliminary Plan 120190150 and Site Plan 820190090---Fifth request to extend the review period from September 16, 2021, to January 20, 2022 for one lot for up to 40,762 square feet of commercial uses.

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved the applicant's request for a fifth extension of the Takoma Junction project review period from September 16, 2021 to January 20, 2022, to allow State Highway Administration time to provide the applicant with clear recommendations and guidance related to the proposed project.

At the onset of the meeting, Chair Anderson noted that this item has been taken off the Planning Board Consent Agenda and is being considered by the Board as a regular item, with a staff presentation and public testimony. The Board will then vote accordingly.

Staff offered a brief presentation and noted that the applicant is requesting a fifth extension to allow the review period to extend until January 20, 2022. As detailed in the attached request by the applicant, the project has been under review for the past two-and-a half years, and has yet to receive approval from State Highway Administration (SHA) for access, sight distance, and the proposed layby on Carroll Avenue associated with the Takoma Junction applications. The applicant believes that the issues identified by SHA can be resolved satisfactorily with additional time. Regarding access, SHA issued a letter on June 21, 2021 rejecting the sight distance analysis for access and layby design. On June 23, 2021, the Takoma Park City Council voted to disapprove the project, as reflected in Resolution 2021-19 attached to the staff report. On August 19, 2021, SHA also issued an additional letter, in draft form, also attached to the staff report, rejecting the layby design.

Staff added that upon receiving the applicant's request to again extend the review period, Staff reached out to the City of Takoma Park for their position on this additional extension request. The City responded with reference to the Resolution of disapproval of the project. As indicated in the project chronology attached to the staff report, updated since the previous extension request, staff has not seen any indication from SHA that they will approve either the sight distance review necessary for site access from Carroll Avenue or the on-street layby loading space on Carroll Avenue. Further, as mentioned above, the City of Takoma Park has not only voted to recommend denial of the regulatory applications but has also declined to support the requested extension. Staff also recommended denial the extension request.

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4A. Takoma Junction Regulatory Extension Request #5, Preliminary Plan 120190150 and Site Plan 820190090CONTINUED

Chair Anderson also noted that for the record, he met with Mr. Peter Franchot, the Comptroller of Maryland, at his request, with a number of Planning Department staff present, regarding this project, which at the time had not been submitted to the Planning Board. During the meeting he answered questions from Mr. Franchot who expressed his disapproval for the project.

The following speakers offered testimony: Ms. Cynthia Mariel of Manor Circle, an adjacent property owner; Mr. Paul Huebner of Carroll Avenue; Mr. Seth Grimes of Willow Avenue; Ms. Susan Miller of Montgomery Avenue and representing the Community Vision for Takoma Group; and Mr. Byrne Kelly of Westmoreland Avenue, an adjacent property owner and owner of the Greenfields Company, Inc.

Mr. Kwesi Woodroff of SHA offered comments and answered questions from the Board.

At the Board's request, Ms. Erin Girard from Miles & Stockbridge, attorney representing the applicant, introduced Ms. Michaela Kelinsky and Ms. Jingjing Liu of the Neighborhood Development Company, members of the applicant's team, offered extensive comments and answered questions from the Board.

There followed extensive Board discussion, during which Chair Anderson noted that approval of the extension request by the Planning Board in no way represents approval of the project, neither does it imply that the Board is disregarding SHA's authority. Chair Anderson also added that this will be the last extension request to be approved by the Board. The Board is just requesting that SHA provides the applicant with clear recommendations and guidance to allow the applicant to proceed or stop the project.

***4B. Takoma Junction**

A. Mandatory Referral 2021019---Request for the disposition of land owned by the City of Takoma Park, NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan.

Staff Recommendation: Denial

B. Preliminary Plan 120190150---Request for one lot for up to 40,762 square feet of commercial uses, NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan.

Staff Recommendation: Denial

C. Site Plan 820190090---Request to construct a 40,762 square feet commercial building for restaurant, retail, and office, request for 15 off-street parking spaces, and request to allow a loading space within a layby along the site frontage on Carroll Avenue, NR-0.75 H-50 & Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, 1.25 acres, located on the south side of Carroll Avenue at its intersection with Ethan Allen Avenue in the City of Takoma Park, 2000 Takoma Park Master Plan.

Staff Recommendation: Denial

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was not discussed.

Following approval of the applicant's request for an extension of the Takoma Junction review period from September 16, 2021 to January 20, 2022, the Planning Board noted that this Item will not be discussed at this time.