



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

APPROVED
MEETING SUMMARY AND MINUTES

SUMMARY

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, July 07, 2022, at 9:16 a.m., and adjourned at 4:46 p.m.

Present were Chair Casey Anderson, Vice Chair Partap Verma, Commissioners Gerald R. Cichy, and Carol Rubin. Commissioner Tina Patterson was necessarily absent.

Items 1, 3, 2, and 5 discussed in that order, are reported in the attached Minutes.

The Board convened in Closed Session to discuss item 12 (Closed Session - it should be noted that there were two items inadvertently listed as Item 12, one the Closed Session and the other the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments) at 9:33 a.m. on the motion of Commissioner Rubin was seconded by Vice Chair Verma with Chair Anderson, Vice Chair Verma, and Commissioners Cichy, and Rubin voting in favor of the motion. The meeting was closed under the authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice. The topic was the Forest Conservation Plan Amendment No. SC2021023, Olney Boys and Girls Club Community Park.

Also present for the meeting were Director Gwen Wright, Deputy Director Robert Kronenberg, Division Chief of Intake & Regulatory Coordination Christina Sorrento, Forest Conservation Inspection Supervisor Josh Kaye, Forest Conservation Inspector Michael Sharp, Director Mike Riley of the Parks Department, Deputy General Counsel Debra Borden, Principal Counsel Emily Vaias, Senior Counsel Matthew Mills, Senior Counsel Megan Chung and Associate General Counsel Allison Myers of the Legal Department.

The Closed Session meeting was adjourned at 10:00 a.m.

The Board reconvened at 10:07 a.m. in open session to discuss Items 6 through 9, in that order as reported in the attached Minutes.

The Planning Board recessed for lunch at 11:44 a.m. and reconvened in the auditorium and via video conference at 1:09 p.m. to take up Items 10, 12, and 11 as reported in the attached Minutes.

MCPB, 7-07-22, APPROVED

There being no further business, the meeting was adjourned at 4:46 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 14, 2022, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Kimberly Young
Kimberly Mann Young
Technical Writer/ Legal Assistant

Rachel Roehrich
Rachel Roehrich
Technical Writer/Legal Assistant

Thursday, July 7, 2022
2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

MINUTES

1. Preliminary Matters

***A. Adoption of Resolutions**

1. Wheaton Gateway Sketch Plan 320210060 – MCPB No. 22-052
2. Fawcett Farms Administrative Subdivision 620220030 – MCPB No. 22-056

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Adopted the Resolutions cited above, as submitted.

***B. Approval of Minutes**

1. Minutes of June 16, 2022
2. Minutes of June 23, 2022
3. Closed Session Minutes of June 23, 2022

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Approved Planning Board Meeting Minutes cited above, as submitted.

***C. Other Preliminary Matters**

Montgomery Industrial Park, Site Plan Amendment 81990069C & 81994026C – Request to reopen the Record for Limited Purpose of Admitting Correspondence

A. Site Plan Amendment 81990069C, Montgomery Industrial Park

B. Site Plan Amendment 81994026C, Montgomery Industrial Park

Staff Recommendation: Re-open the public record for the purpose of admitting correspondence.

BOARD ACTION

Motion: Rubin/Cichy

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Approved staff recommendation to re-open the public record for the limited purpose of admitting correspondence; instructed Staff to schedule the new hearing before the end of July.

3. Record Plats (Public Hearing)

A. Subdivision Plat No. 220190690, Wildwood Manor Shopping Center

CRT zone; 3 parcels; located on the east side of Old Georgetown Road (MD-187), immediately south of the intersection of Rock Spring Drive; Rock Spring Sector Plan.

Staff Recommendation: Approval

B. Subdivision Plat No. 220200660, Bradley Hills

R-60 zone; 1 lot; located on the northeast side of Bradley Boulevard (MD-191), opposite Beam Court; Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval

C. Subdivision Plat No. 220210720, Mar Thoma Church of Greater Washington

RE-2 zone; 1 lot; located on the west side of New Hampshire Avenue (MD-650), 1100 feet north of Norwood Road; Cloverly Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

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

4. Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Regulatory Extension Requests were submitted for approval.

2. Roundtable Discussion

Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing

The Parks Director, Michael Riley, provided an update to the Board on the two newest members of the Parks Senior Leadership Team. Gary Burnett was introduced as the new Deputy Director of Operations. Mr. Burnett had many years of experience with the Maryland Park Service until he retired and came to work for MNCPPC in both the Northern and Southern Parks Operations. Mr. Burnett's wealth of experience has allowed him to step into this new role seamlessly. Deputy Director Gary Burnett then introduced Kenny Black as the new Division Chief for Facilities Management. Mr. Burnett highlighted Mr. Black's illustrious career before joining the Parks Department which included a successful Naval career, 38 years of service with the federal government, 17 years with the National Parks Service, and most recently working for the Smithsonian Institute where he oversaw 400 buildings including 14 museums.

The Board welcomed both members and expressed excitement and gratitude for their joining the Parks Senior Leadership Team.

5. Disposition of Nees Lane Lot

Authorization to dispose of the Nees Lane Lot.

Staff Recommendation: Approval

H. Coppola/M. Chung

BOARD ACTION

Motion: Rubin/Cichy

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: **Approved staff recommendation, with minor edit, to approve the Disposition of the Lot cited above.**

Staff offered a multi-media presentation recommending the disposition of a 1/3-acre property acquired in 1981 in connection with the Inter-County Connector (ICC) project. The lot was never formally transferred to SHA (State Highway Administration), and the property is not needed for parkland. Staff recommends the adoption of Resolution No. MCPB No. 22-060, with a minor edit to the legal citation, and that the Resolution be transmitted to the Full Commission for adoption.

12. Closed Session

According to MD ANN Code, General Provisions Article, § 3-305(b)(7) consult with counsel to obtain legal advice. Topic to be discussed: Forest Conservation Plan Amendment No.

SC2021023, Olney Boys and Girls Club Community Park.

A. Myers/C. Sorrento/D. Borden

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Advice obtained with discussion. See the open session disclosure statement in Summary Section.

6. Adoption of the updated Mandatory Referral Guidelines

M. Mills

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Approval with added comments and updated Mandatory Referral Guidelines to be transferred to the Full Commission for adoption.

Senior Counsel Matthew Mills and Planning Deputy Director Robert Kronenberg discussed the proposed changes to the Uniform Standards for Mandatory Referral Review, , which is intended to afford quality community planning and development advice to the public sector. At the same time, it supports transparency in government in allowing for a more thorough planning review of proposed development activities by public agencies than the financial review of capital improvement funding provided by the County Council.

The Board offered brief comments and suggestions.

***7. White Oak Apartments, Sketch Plan 320220050, Preliminary Plan 120220060, and Site Plan 820220110 (Public Hearing)**

A. Sketch Plan 320220050: Request for up to 443,400 square feet of residential development with 15% MPDUs using the optional method of development; 7.38 acres zoned CRF-1.25, C-0.25, R-1.258, H-85’ located at 2220 Broadbirch Drive, 150 feet northwest of Bournefield Way; 2014 White Oak Science Gateway Master Plan.

B. Preliminary Plan 120220060: Request to create one lot and one outlot for up to 443,400 square feet of residential development with 15% MPDUs using the optional method of development; 7.38 acres zoned CRF-1.25, C-0.25, R-1.258, H-85’ located at 2220 Broadbirch Drive, 150 feet northwest of Bournefield Way; 2014 White Oak Science Gateway Master Plan.

C. Site Plan 820220110: Request for up to 443,400 square feet of residential development with 15% MPDUs with related stormwater management, circulation, and open space using the optional method of development; 7.38 acres zoned CRF-1.25, C-0.25, R-1.258, H-85’ located at 2220 Broadbirch Drive, 150 feet northwest of Bournefield Way; 2014 White Oak Science Gateway Master Plan.

Staff recommendations: Approval with Conditions

A. Lindsey

BOARD ACTION

Motion: A - C Rubin/Verma

Vote:

Yea: A – C 4-0

Nay:

Other: A - C Patterson Absent

Action: **Approved staff recommendation for approval of the Sketch, Preliminary and Site Plans 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 the proposed sketch plan, preliminary and site plan to develop the Subject Property with a 5-story multifamily residential building with up to 359 units and two four-story buildings with up to 28 “two-over-two” multifamily units. The Project will include a minimum of 15% MPDUs. The Applications are part of speed-to-market initiative, near the BRT/Flash, and include dedication and frontage improvements along Broadbirch Drive and dedication and improvements for Road A, and a potential future connection to Whitehorn Court. The proposed development will redevelop a vacant commercial facility and provide housing within the White Oak Science Gateway Master Plan area. Staff offered a few changes to the original conditions including condition 18 of the preliminary plan addressing clearing of the site except for demolition; conditions 4b, 6a, and 11b, of the site plan addressing the type of units, number of BLTs, and weather protected areas; and finally, 17b and 17j of the site plan addressing demolition and pedestrian connection.

Dan Wilhelm of the Greater Colesville Citizens Association offered testimony.

The Applicant team Francoise Carrier of Bregman, Berbert, Schwartz & Gilday and Josh Woodridge of NRP Group offered brief comments.

The Board offered brief comments.

8. Forest Conservation Plan Amendment No. SC2021023, Olney Boys and Girls Club Community Park, 4501 Olney-Laytonsville Road, Olney, MD 20832 (Public Hearing)

In response to a violation, a request for approval of a forest conservation plan amendment to abandon 1.72 acres of existing Category I conservation easement and mitigate onsite. Brooke Farm, Lot 5; AR Zone, +/- 118.18 acres, Olney Master Plan.

Staff Recommendation: Approval with Conditions

M. Sharp

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: **Approved staff recommendation for approval of the Forest Conservation 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 provided a multi-media presentation regarding the proposed amendment to the Forest Conservation Plan (“FCP”) for property owned by the Olney Boys and Girls Club (“OBGC”) in response to a forest conservation violation.

Staff provided background on the enforcement history of the forest conservation violation, resulting from OBGC’s installation of structures, as well as surface trails and boardwalks, within a Category I Conservation Easement in conjunction with OBGC’s annual Field of Screams haunted trail event. Staff provided images to show the extent and location of the violations. Staff indicated that the proposed FCP Amendment would serve to address and mitigate the impacts of the violations, while allowing the OBGC to continue holding the event. The proposed FCP Amendment would remove the areas surrounding the structures from the existing conservation easement and, for all areas removed and for areas covered by trails, would require that additional areas on site be placed within a Category I Easement. The areas removed from the existing easement would be mitigated at a ratio of 4:1 for areas within a sensitive environmental area and at a ratio of 2:1 for areas not within a sensitive environmental area. In total, the Amendment would remove 1.72 acres of existing on-site Category I Easement and add 6.69 acres of new on-site Category I Easement, for a new total of 33.33 acres on site protected by the easement. The Amendment would also require OBGC to plant 7.6 acres of afforestation within the new on-site Category I Easement.

The following individuals offered brief testimony; Kevin Foster of Gutschick, Little & Weber appeared on behalf of OBGC, Brad Scott, Executive Director of OBGC, and Kevin McLaren, OBGC Board member.

The Board asked questions to clarify the location of certain areas removed from the easement and emphasized the importance of taking a proactive approach to avoid further forest conservation violations on this property.

9. Silver Spring Downtown and Adjacent Communities Plan: Sectional Map Amendment

Staff Recommendation: Approval the Request to File the Sectional Map Amendment with District Council

L. Stamm

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Approved staff recommendation to approve the Sectional Map Amendment cited above.

Planning Department staff presented a multi-media presentation and introduced Sectional Map Amendment (“SMA”) H-146 which will implement the zoning changes included in the recently approved and adopted Silver Spring Downtown and Adjacent Communities Plan. The existing plan area is approximately 442 acres in which 261.47 acres of existing zoning will be reclassified and 51.62 acres of existing zoning will be retained.

The zoning recommendations implemented through the proposed SMA will bring non-conforming properties into conformance, resolve split-zoned parcels, update defunct zones to CR or another appropriate zone, increase the height and flexibility of the CR zoning, and rezone certain properties to meet urban design and economic development goals. The SMA will also update the overlay zones within the plan area to include a new Downtown Silver Spring Overlay Zone, removal of the Ripley/South Silver Spring Overlay, and extend the Fenton Village Overlay East to include properties zoned for CR.

Staff noted the Fenton Village Overlay was incorrectly labeled in the staff report as it includes CRN properties that are located just beyond the boundary of the Fenton Village Overlay Zone. Staff also noted a correction to graphic error to change #8, Attachment 1- Ellsworth District. The correction will be amended in the attachment before it is sent to the District Council.

The Board offered brief comments and thanked staff for the incredible amount of work that went into this project.

10. 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan, Executive Draft – Briefing (Public Hearing)

Briefing and staff comments on the County Executive Draft updates to the 2018-2027 Comprehensive Water Supply and Sewerage Systems Plan.

Staff Recommendation: Receive briefing and transmit Planning Board comments to the County Council

M. Symborski

BOARD ACTION

Motion: Anderson/Rubin

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Received briefing and approved the Transmittal of comments to the County Council.

Planning Staff presented a multi-media presentation of the Executive's Draft update of the 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan (Plan). The Plan is updated every three years. The purpose of the General Plan is to establish policies and provide projections for future water and sewerage needs based on land use planning, demographic projections, legal mandates, and policy requirements. The purpose of the Plan is also to protect the health and environmental resources, support the State's smart-growth initiatives, and provide policy guidelines to elected officials and agencies. The County Council hearing is scheduled for July 12, 2022, and T & E Committee work session is on July 25, 2022.

Planning Staff recommended proposed edits to the Objectives and Policies Section including i) adding language to include abutting confronting properties and not allowing non-abutting service connections or additional sewer extensions; ii) clarifying language that concept plans are not regulatory plans; and, iii) efforts to address underserved and unserved communities should consider equity issues. Updates are spelled out in detail in the March 9, 2022, Staff report.

Alan Soukup from the Montgomery County Department of Environmental Protection (DEP) presented a multi-media presentation discussing the related statutory requirements, the key issues to be discussed by the Council, and the approval process and schedule for the Plan. He reviewed New Initiatives and Critical Policy Revisions. He agreed to incorporate the changes suggested by Staff in the Objectives and Policies Section.

The following individuals offered testimony about the Glen Hills Sewer Issue: Mary Yakaitis, President of Overlea Sewer Consortium; Peter Doherty of Potomac Highlands Citizens Association; Brandon Beach an adjacent property owner in North Overlea; and Jeffrey Kurland, President of the Potomac Highlands Community Association.

Gwen Wright, Planning Director offered brief comments about the background of the Glenn Hills neighborhood.

The Board offered comments addressing community concerns and the sewer extension process. The Board suggested the developed properties be prioritized over undeveloped properties;

financial impacts of sewer extensions need to be considered (number of properties, length of extension, cost of project, socioeconomic condition of the neighborhood, and method to compel participation). With regard to allowing an outlot to connect through a parent lot, the Board suggested that Council should adopt a framework on a case-by-case basis.

12. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments – County Executive’s AD 2022-3 Administrative Amendment Group – Five Water/Sewer Service Category Change requests.

Staff Recommendation: Transmit Comments to County Executive

K. Nelson

BOARD ACTION

Motion: Verma/Rubin

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Approved transmittal of comments to the County Executive.

Planning Department staff presented a multi-media presentation discussing five administrative amendments to Montgomery County’s Water Supply and Sewerage Systems Plan. The amendments presented are focused on individual properties. Staff explained the meeting is required by State law for the Board to weigh in on how the cases fit in with the Master Plan. The individual cases are listed below as follows:

- WSSCR 22-CLO-05a: Joseph Merritt – Case is located within the Cloverly Master Plan Area. The property is within the sewer envelope and has infrastructure across the property. Staff recommendation is to approve S-1 sewer service to the property.
- WSSCR 22-DAM-04A: Mullinix, Arnette, and Walker- First case located within the extensive Damascus Master Plan. Staff recommendation is to conditionally approve S-3 and W-3 such that when the developer follows the cluster development method and Master Plan guidance, they would receive full and sewer category. Staff noted a change from the staff report as water service was not included, although the recommendation should include water.
- WSSCR 22-DAM-05A: Mary King- Second case located within the Damascus Master Plan. Staff recommendation is also to conditionally approve S-3 and W-3 based on Master Plan guidance following development. Water service is included with the sewer recommendation as well.
- WSSCR 22-OLN-01A: Avak and Elma Permian- Case located in Olney well within the Olney Service area. Water service is being requested, and there is an existing water line in the street confronting the property. Staff recommendation is to approve W-1 water service to the property.
- 22-TRV-16A: Willow Springs MGS LLC- Case located in Potomac Subregion Sewer Envelope within Glen Hills. There is a sewer line in the street, which makes the property eligible for single line hookup. Staff recommendation is to approve S-3 sewer service to the property.

More details about the proposed plan can be found in the June 14, 2022 Department of Environmental Protection letter.

11. Conditional Use No. CU202207: 12120 Prices Distillery Rd (Continued Hearing from June 2, 2022) (Public Hearing)

A. Final Forest Conservation Plan Amendment No. SC2022014: Amend the previously approved plan to reflect the new Landscape Contractor Use.

Staff Recommendation: Approval

BOARD ACTION

Motion: Rubin/Verma

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Approved the Final Forest Conservation Amendment

The Board determined that there was no basis to deny the related Forest Conservation Plan Amendment. Staff clarified that the Amendment includes a condition that requires the Applicant to secure approval of the associated Conditional Use for the Forest Conservation Plan Amendment to become effective.

B. Conditional Use No. CU2022-07: Request to transmit comments to the Hearing Examiner on a conditional use application to operate a Landscape Contractor pursuant to Montgomery County Zoning Ordinance Sections 59-7.3.1.E (General Conditions) and 59.3.5.5 (Specific Conditions at 12120 Prices Distillery Road, Damascus; Agriculture Reserve (AR) Zone; Damascus Master Plan.

Staff Recommendation: Denial

BOARD ACTION

Motion: Verma/Rubin

Vote:

Yea: 4-0

Nay:

Other: Patterson Absent

Action: Transmit a recommendation of denial of the Conditional Use application to the Hearing Examiner.

This hearing is a continuation of the public hearing convened on June 2, 2022, and subsequently continued to June 30, 2022. As the Board's June 30, 2022, public meeting was canceled, the continued public hearing was postponed to July 7, 2022.

Planning Department staff presented a multi-media presentation summarizing the full June 2nd presentation and Staff recommendations for the board.

The following individuals offered testimony: Timothy and Jaqueline Hunt, adjacent property owners (video); Machel Behzadi, adjacent property owner (video); Karen Ryan neighborhood property owner; and Leslie Saville, Emeritus member of the Rustic Roads Advisory Committee.

Board offered comments to narrow the scope of the conversation for the Applicant to address the major issues being the septic issues and distillery roads.

Members of the Applicant team, Sean Hughes of Miller, Miller & Canby, and John Sekerek of Stantec, made a multi-media presentation focused on the adequacy of public facilities and the property's compatibility with the *Rustic Roads Functional Master Plan*. The Applicant stated that the proposed use does not require sanitary sewer on site for the Board to find that there would be adequate public facilities for the proposed use, citing Occupational Safety and Health Administration requirements for mobile workforces and the availability of public restrooms in the vicinity. The Applicant also argued that the property and proposed use are in substantial compliance with the 1985 *Damascus Master Plan* and the 1996 *Rustic Roads Functional Master Plan*, specifically that the existing driveway is not out of character with the rustic road. The Applicant indicated that the Application would expand the on-site operations to 25 employees and 18 trucks. The Applicant also testified that it would be willing to accept a conditional approval that would require trucks exceeding the weight limit to use an alternative route.

The Board offered comments addressing issues and concerns and stated their proposed recommendation is the denial of the proposed Conditional Use. In addition, the Board determined that there are not adequate sanitary facilities for the site and the heavy truck traffic would impact safety on local bridges and the ability to maintain the character of the rustic road.