

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**NOT APPROVED DUE TO THE RESIGNATION OF ALL FIVE BOARD MEMBERS
EFFECTIVE WEDNESDAY, OCTOBER 12, 2022**

MINUTES AND SUMMARY

SUMMARY

Thursday, October 06, 2022

2425 Reddie Drive
Wheaton, MD 20902
301-495-4605

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, October 06, 2022, beginning at 9:06 a.m. and adjourned at 1:20 p.m.

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

Chair Anderson was necessarily absent for Items 5 – 9.

Items 1 through 5, and 7 through 8 were discussed in that order and are reported in the attached Minutes.

In compliance with Annotated Code of Maryland, General Provisions Article §3-305(b), the following is a report of the Board's Closed Session Meeting:

The Board convened in Closed Session to discuss Items 9 and 10 at 12:27 p.m. on the motion of Commissioner Rubin, seconded by Commissioner Cichy with Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin voting in favor of the motion. Chair Anderson absent. The meeting was closed under the authority of Annotated Code of Maryland, General Provisions Article §3-305(b)(3), to consider the acquisition of real property for public use and §3-305(b)(1)(ii), to discuss a personnel matter.

Also present for the meeting were Park's Director Mike Riley, Deputy Director Miti Figueredo, Real Estate Management Supervisor Brenda Sandberg, Division Chief of Park Development Andrew Frank, Budget Administrator Ron Peele, Design and Construction Project Manager Linda Komes, Planning Deputy Director Robert Kronenberg, Division Chief Downcounty Planning Elza Hize-McCoy, Regulatory Supervisor Stephanie Dickel, Principal Counsel Emily Vaias, Senior Counsel Matthew Mills, and Senior Counsel Megan Chung of the Office of General Counsel.

Item 10 was canceled.

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In Closed Session, the Board received a briefing regarding the possible acquisition of Bethesda Lots 10 & 24.

The Closed Session meeting was adjourned at 1:20 p.m.

There being no further business, the meeting was adjourned at 1:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, October 13, 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

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Corrected Resolution-MHP Nebel Street Preliminary Plan 120220090 – MCPB No. 22-074
2. Corrected Resolution-MHP Nebel Street Site Plan 820000150 – MCPB No. 22-075

BOARD ACTION

Motion: Cichy/Verma

Vote: 4-0-1

Other: Rubin Abstained.

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes of September 22, 2022

BOARD ACTION

Motion: Cichy/Verma

Vote: 5-0

Other:

Action: Approved Planning Board Meeting Minutes of September 22, 2022, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Other Preliminary Items submitted for approval.

Item 2. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Record Plats submitted for approval.

Item 3. Regulatory Extension Requests (Public Hearing)
Remembrance Park (aka Reflection Park), Preliminary Plan No. 120210150 – Regulatory Review Extension Request No. 5

Request to extend the regulatory review period from October 6, 2022 until December 29, 2022: An Application to create one lot for a Cemetery as a Conditional Use (CU-21-06 Reflection Park); located at 16621 New Hampshire Avenue (MD 650), on the east side of MD 650, approximately 2,800 feet north of Spencerville Road (MD 198) and approximately 2,600 feet south of Ednor Road in Silver Spring; RC Zone, 40.39 acres, 1997 Cloverly Master Plan.

Staff Recommendation: Approval of the extension request

J. Casey

BOARD ACTION

Motion: Cichy/Verma

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Regulatory Extension Request cited above.

Item 4. Roundtable Discussion

Planning Director's Report

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Montgomery Planning Director Gwen Wright briefed the Board and offered a multi-media presentation highlighting the various ways the Planning Department has been involved with both legislation and the community during the last few months.

Director Wright described the time being spent with the County Council for Thrive Montgomery 2050, in which the Council has provided several helpful edits ahead of the final session taking place October 11, 2022, and the final action on October 25, 2022. Other pieces of legislation coming before the Council in the near future will also include No Net Loss and pieces of the Complete Streets Design Guide.

Other ongoing Planning projects include the Rustic Roads Functional Master Plan Update, Fairland and Briggs Chaney Placemaking event, as well as other Master Plans that are beginning.

Director Wright celebrated the Planning Staff on community outreach in many of the ongoing projects within the department and highlighted Staff that participated in five presentations at the American Planning Association National Capital Area Chapter (APA NCA) conference on September 30, 2022. Staff recognized for participation included: Rebeccah Ballo, Tanya Stern, Archie Chen, Ben Kraft, Molline Jackson, Jesse McGowan, and Sandra Pereira.

Many events have also taken place recently, and Planning Staff has been involved with community outreach at the following: Makeover Montgomery 5, the first annual Development Review Committee Retreat, Parking Day, Takoma Park Minor Master Plan Amendment at the Takoma Park Farmers Market, Wheaton Arts Parade-University Blvd. Corridor Plan, Wheaton Downtown Study, The Great Seneca Plan, and the Fairland and Briggs Chaney Master Plan.

Staff has also participated in a series of tours to locations and projects to discuss the history and progression of development within Montgomery County.

Director Wright ended the briefing by introducing a few upcoming events such as Kojo In Our Community: Unpacking, Walktober, and the Fairland and Briggs Chaney Placemaking event, which is the first time a placemaking event has been done during a Master Plan. The Fairland and Briggs Chaney Placemaking Event will occur October 21st and 22nd. Attendance was encouraged.

The Board offered brief comments regarding upcoming events and legislation once implemented, specifically in the life-sciences and transit study areas.

Item 5. Forest Glen Road Sidewalk Project Briefing

Presentation by Montgomery County Department of Transportation (MCDOT) on pedestrian and bicycle improvements on Forest Glen Road between Woodland Drive and the Sligo Creek Trail. *Staff is seeking Planning Board comments on two alternative concept plans developed by MCDOT.*
S. Aldrich

BOARD ACTION

Motion:

Vote:

Other: Chair Anderson Absent.

Action: Received Briefing

Planning Staff and Montgomery County Department of Transportation (MCDOT) presented multi-media presentations discussing pedestrian and bicycle improvements on Forest Glen Road. Planning Staff is seeking Planning Board comments on two concept options developed by MCDOT as well as two alternative concepts identified by Planning Staff. Further details can be found in the September 29, 2022 Staff Report.

The proposed project is the addition of a sidewalk along the north side of Forest Glen Road between Woodland Avenue and Sligo Creek Parkway that will be approximately 2,700 feet. The project includes safety and mobility improvements for pedestrians and bicyclists on Forest Glen Road. During the applicant's public outreach process in 2021, the Washington Area Bicycling Association (WABA) proposed specific changes to the corridor design to better accommodate on-road bicyclists. Recognizing that the current project may be limited in scope, the ultimate desired cross section should still be considered in designing the sidewalk along this road.

Rebecca Park of MCDOT, the Applicant, presented a multi-media presentation highlighting the two concept designs/options for the project. Ms. Park gave an overview and discussed the background of the project as well as the project limits. Of the two concept designs, Option 1 included the sidewalk with minimum buffers on either side of the road, and Option 2 was created to add a bicycle lane on the west side. Numerous design scenarios for locations along Forest Glen Road were presented for both options.

Ms. Park also discussed impacts that included: utility impacts, tree impacts, property impacts, right-of-way impacts, and construction costs. A breakdown of the estimated project cost was presented for Option 1 and Option 2.

Stephen Aldrich, Planning Staff, offered a multi-media presentation discussing issues with the two options presented by MCDOT. After identifying the priorities for the project, Staff presented Option 3 and Option 4, which are fully consistent with the Bicycle Master Plan and the Complete Streets Design Guide (CSDG). Option 3 would provide a six-foot-wide sidewalk on the north side of the street, a ten-foot-wide sidepath on the south side of the street, six-foot minimum buffers on both sides of the street, and no on-street parking. Option 4 would provide a six-foot-wide sidewalk on the north side of the street, a ten-foot-wide sidepath on the south side of the street, six-foot minimum buffers on both sides of the street, a five-foot-wide westbound bike lane, and no on-street parking.

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Ultimately, Options 3 and 4 make Forest Glen Road more comfortable, overall, for pedestrians because these options provide all the required CSDG facilities. Staff also recommended the existing speed, which is 35 MPH, be reduced to 25 MPH, which would reduce the overall level of stress for pedestrians and bicyclists within the project area.

Planning Staff recommends Option 4 as the design concept that best matches the Master Plan requirements and the standards in the CSDG, as well as addresses valid concerns from the bicycling community.

The next steps for the project would be to return to the Board as a Mandatory Referral in an upcoming future Board Meeting.

The Board asked questions regarding the buffers and overall width from side-to-side when comparing all Options, the grant issued to help fund the project, and if the improvements to Georgia Avenue would affect the project at the intersection of Forest Glen Road.

The Board also offered comments regarding re-emphasizing the reduction of the speed limit, providing further analysis of Options 3 and 4, and future anticipation of the increase in pedestrian usage within the area due to additional proposed residential development and housing.

Dan Sheridan and Rebecca Park, of MCDOT, offered responses to the Board regarding the grant acquired for this project which requires the project to be finished within 10 years, the additional time of approximately 4-5 months for implementation and analysis for Options 3 and 4, as well as further review of costs for Options 3 and 4.

The Board encouraged Staff to move reduction of speed within the area to the top of the list of priorities as well as further study and analysis of Options 3 and 4.

Item 7 . Conditional Use No. CU202210: 15700 Darnestown Road (Public Hearing)

Conditional Use No. 202210: Request to transmit comments to the Hearing Examiner on a proposed conditional use to add a Country Inn pursuant to the 2014 Montgomery County Zoning Ordinance, Sections 59.3.5.3.A (Specific Conditions) and 59.7.3.1 (General Conditions) at 15700 Darnestown Road, Germantown; RC Zone; in the Potomac Subregion Master Plan area.

Staff Recommendation: Staff recommends approval of the Conditional Use with one condition and transmittal to the Hearing Examiner.

M. Beall

BOARD ACTION

Motion: Patterson/Rubin

Vote: 4-0

Other: Chair Anderson Absent.

Action: Approved staff recommendation to transmit recommendations to the Hearing Examiner regarding the Conditional Use request cited above, as stated in a transmittal letter to be prepared at a later date.

Staff offered a brief multi-media presentation requesting Conditional Use approval to add the Country Inn use to the already existing use of Farm Alcohol Production; to obtain a second Alcohol License from the State of Maryland; to alter hours of operations; and convert a portion of the existing wine cellar into a tasting area to provide for upscale food and pairings. Further details can be found in the September 23, 2022 Staff Report.

The Applicant proposes to add the use of Country Inn to the previously approved Winery which falls under the Farm Alcohol Production use in the Zoning Ordinance. The current State of Maryland license issued for the winery allows the winery to stay open until 6pm. The additional use of Country Inn will allow the applicant to apply for a second State license that will allow them to stay open later for patrons to be able to enjoy the beautiful summer sunsets. All structures and parking are existing and no new structures or parking are being proposed with this application.

The Board offered comments and support to the Applicant for enhancing the Winery in order to provide a sustainable business for future generations.

Robert Harris, of Lerch, Early & Brewer, representing the Applicant team, offered comments on Windridge Vineyards and provided some background on the family.

Robert Butz, the Applicant, offered comments to the Board regarding the Winery and Vineyard that has provided enhancement to Windridge Farms. Pursuing the conditional use for the Country Inn will be a way to preserve the future of the Winery through having consistent hours and food to offer to the public in order to continue a sustainable business.

Item 8. Rustic Roads Functional Master Plan Update – Working Draft Presentation

Approve the Working Draft of the Rustic Roads Functional Master Plan as the Public Hearing Draft and schedule the Public Hearing date

Staff Recommendation: Staff recommends approval of the Rustic Roads Functional Master Plan Update Working Draft as the Public Hearing Draft and set the Public Hearing for November 17, 2022.

J. Pratt/R. Duke

BOARD ACTION

Motion: Rubin/Cichy

Vote: 4-0

Other: Chair Anderson Absent.

Action: Approved staff recommendation for approval of the Working Draft of the Rustic Roads Functional Master Plan Update and set the Public Hearing for November 17, 2022 at 6:00 p.m.

Staff presented a multi-media presentation regarding the Working Draft of the Rustic Roads Functional Master Plan Update. Further details can be found in the September 29, 2022 Staff Report.

The Rustic Roads Functional Master Plan (RRFMP) Update is the first comprehensive update to the Rustic Roads Functional Master Plan since the original plan was approved in 1996. As part of this plan, existing road profiles were reviewed for changes, new maps were created, and an environment section was added. Although it was outside the scope of this planning effort to thoroughly update all existing road profiles, this update revises to the extent practical, the descriptions of the significant features, history, traveling experience, environmental setting, and road characteristics of the existing rustic roads. It also provides new profiles for nominated rustic roads and those roads lacking a complete description. Furthermore, this plan updates the Master Plan of Highways and Transitways.

The purpose for the RRFMP Update includes the following:

- Assessment of roads which have been nominated to the program
- Completes the incomplete descriptions of roads already in the program
- Considers reclassifications of some existing rustic roads
- Changes extents of some rustic roads

Working draft sections included: Introduction, Road Recommendations, Road Profiles, Roadway and Bikeway Classifications, Implementation and Next Steps, and Appendices.

Introduction

Staff discussed the background, vision of the RRFMP Update, Master Plan Boundary and briefed the Board on sections of the Introduction including: Outreach; Related Plans, Programs and Policies; Equity; Carbon Emissions Analysis; Environment; Roadway Character; and Bridges.

Staff worked closely with the Rustic Roads Advisory Committee (RRAC), the Office of Agriculture, and Montgomery County Department of Transportation (MCDOT). Community

outreach involved presentations to stake holders that included civic associations, town governments, and other agencies. A feedback map was also created online for residents to provide comments on existing and nominated rustic roads.

Staff also reviewed each of the existing individual road profiles using National Park Service Guidance to update language in the Plan, and when possible, highlighted the histories of underrepresented groups and communities in the histories of those road profiles written as a part of this update.

Road Recommendations

Staff provided checklists for both Rustic Roads and Exceptional Rustic Roads, as well as a summary of criteria evaluation. Currently, there are 79 Rustic Roads, 26 Exceptional Rustic Roads, and 10 roads that contain segments of both Rustic and Exceptional Rustic. Although, 8 roads are not recommended as Rustic Roads.

Symbols have been created to help determine existing and nominated roads classification, and all roads in the Master Plan are detailed in this section. Roads with no new recommendations may have other updated details in their road profiles, and roads previously lacking a full description contain a recommendation to approve the new road profile and significant features.

Road Profiles

Road profiles for all roads recommended as rustic or exceptional rustic are included in a separate plan appendix, and road profiles are based on the 1996 RRFMP format and include: Introductory Statement, Significant Features, History, Traveling Experience, Environment, Road Characteristics, Map and Photos.

Roadway and Bike Classifications

Road classification tables provide the roadway designation, limits, and minimum right-of-way widths for all rustic and exceptional rustic roads, as well as provide the designation of portions of roads that were analyzed and determined to not be a part of the rustic roads program. Three roads have bikeway recommendations, and a table provides the type of bikeway recommendations and the extent for those recommendations.

Implementation and Next Steps

The goals of this section are to provide recommendations. Rustic roads must be maintained in a manner that provided for safe travel for all modes (including roads designated as snow emergency routes), and roads need to provide for the adequate movement of farm equipment. Rustic Roads must also maintain the integrity of the natural, cultural, and historic character while sustaining the economic viability for agricultural production along them. The program is dependent on coordination between various groups including the RRAC, who emphasize their role in overseeing the Rustic Roads Program.

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There are 24 recommendations for the sections listed below:

- Stakeholder Meetings
- Maintenance and Improvements
- Traffic Calming
- Scenic Views
- Bicycle Master Plan
- Pedestrian Master Plan, Complete Streets, and Vision Zero
- Maryland Scenic Byways
- Rustic Roads Program Awareness
- Historic Preservation
- Plan Updates

The Board offered detailed comments and asked questions regarding the above recommendation sections.

Furthermore, the Board offered comments regarding proposing Historic Preservation being included along with the other recommendations, policy versus implementation, potential funding, clarification on roads being recommended or not, and maintenance of the roads while sustaining the farming community. Clarity of language throughout the Plan was strongly encouraged.

Director Wright and Staff offered responses and comments to the Board.

The Board requested a physical tour of the Rustic Roads that are in dispute between the Public Hearing and future Work Sessions, and Staff confirmed a tour could be scheduled.

The next step for the Rustic Roads Functional Master Plan Update will be to schedule a Public Hearing for November 17, 2022.

Item 9. Closed Session – Summary of Actions Taken

According to Md Code, Ann, GP, §3-305(b)(3), to consider the acquisition of real property for parkland through land interest and title transfers for a public purpose and matters directly related to the acquisition. Topic to be discussed: Bethesda Lots 10 & 24 Parks

M. Riley

BOARD ACTION

Motion:

Vote:

Other: Chair Anderson Absent.

Action: Discussion held. See the open session disclosure statement in Summary

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Item 10. — ~~Closed Session~~ CANCELLED

~~According to Md Code, Ann, GP, §3-305(b)(1)(ii), any other personnel matter that affects one or more specific individuals. Topic to be discussed: Personnel matter~~

D. Borden

BOARD ACTION

Motion:

Vote:

Other:

Action: DISCUSSION CANCELLED