

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## APPROVED MINUTES AND SUMMARY

### SUMMARY

**Thursday, December 15, 2022**

2425 Reedie 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, December 15, 2022, beginning at 9:05 a.m. and adjourned at 4:31 p.m.

Present were Chair Jeff Zyontz, Vice Chair Amy Presley, and Commissioners Cherri Branson, David Hill, and Roberto Piñero.

Commissioner Branson was necessarily absent for Items 1 and 2, and joined the meeting at 9:14 a.m. before Item 3.

Items 1 through 8 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 1:07 p.m. and reconvened in the auditorium and via video conference at 1:49 p.m. to discuss Items 9 through 11, as reported in the attached Minutes.

There being no further business, the meeting was adjourned at 4:31 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 22, 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 Preliminary Matters

#### A. Adoption of Resolutions

1. Shivacharan Administrative Subdivision 620220060– MCPB No. 22-112
2. Burtonsville Crossing Shopping Center Site Plan No 81985104A– MCPB No. 22-111

#### **BOARD ACTION**

**Motion:** Hill/Piñero  
**Vote:** 3-0-1  
**Other:** Vice Chair Presley Abstained due to being absent from the meeting when items were presented. Commissioner Branson Absent.  
**Action:** Adopted the Resolutions cited above, as submitted.

#### B. Approval of Minutes

1. Minutes for November 17, 2022
2. Minutes for December 1, 2022

#### **BOARD ACTION**

**Motion:** Presley/Hill  
**Vote:** 4-0  
**Other:** Commissioner Branson Absent.  
**Action:** Approved the Minutes cited above, as submitted.

#### C. Other Preliminary Matters

##### **Bethesda Design Advisory Panel Committee Appointment of Panel Members**

Appoint two new Design Advisory Panel members including Yulia Beltikova, a Registered Architect and Jonathan Fitch, a Registered Landscape Architect. Their terms would be three years from December 2022 to December 2025.

*Staff Recommendation: Approve Appointments*

G. Bogdan

#### **BOARD ACTION**

**Motion:** Presley/ Piñero  
**Vote:** 4-0  
**Other:** Commissioner Branson Absent.  
**Action:** Approved staff recommendation for approval of the appointment of panel members cited above.

**Item 2. Record Plats (Public Hearing)**

**Subdivision Plat No. 220210660, Bradley Hills Grove**

R-200 zone; 2 lots; located in the southeast corner of the intersection of Meadowlark Lane and Burning Tree Road; Bethesda – Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220220170, Mid-Pike Plaza**

CR zone; 1 lot & 1 parcel; located immediately north of the intersection of Grand Park Avenue and Prose Street; White Flint Sector Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** Hill/Presley

**Vote:** 4-0

**Other:** Commissioner Branson Absent.

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

**Item 3. Regulatory Extension Requests (Public Hearing)**

**Jerome Freibaum Lot 4, Administrative Subdivision No. 620210080, Extension Request #3 - Request to extend the review period from December 22, 2022 to April 20, 2023**

To create two (2) lots for one single-family detached dwelling on each; R-60 Zone; 0.59 acres; Located on the north side of Elgin Lane, approximately 155 feet east of its intersection with Pyle Road; 1990 Bethesda-Chevy Chase Master Plan.

*Staff recommendation: Approval of the extension request*

A. Bossi

**8001 Wisconsin Avenue, Sketch Plan No. 320210050 and Preliminary Plan No. 120210140, Extension Request #5 - Request to extend the review period from December 29, 2022 to January 31, 2023**

CR-3.0 C-3.0 R-2.75 H-90', CR-3.0 C-2.0 R-2.75 H-90', CR-0.5 C-0.5 R-0.5 H-70', CRT-0.5 C-0.25 R-0.5 H- 70' and Bethesda Overlay Zones, 2.74 acres; located on the Northeast quadrant of the intersection of Wisconsin Avenue and Highland Street; 2017 Bethesda Downtown Sector Plan.

A. Sketch Plan No. 320210050 - Request for up to 375,000 square feet of mixed-use development, comprised of up to 360,000 square feet of residential uses and up to 15,000 square feet of commercial uses, including up to 159,689 square feet of BOZ density and associated PIP payment.

B. Preliminary Plan No. 120210140 - Request to create one lot for up to 375,000 square feet of mixed-use development.

*Staff recommendation: Approval of the Extension Request*

G. Bogdan

**Federal Plaza West, Regulatory, Sketch Plan No. 320220100 & Preliminary Plan No. 120220140, Extension Request #2 - Request to extend the regulatory review period from December 15, 2022 to March 9, 2023**

The Applications propose to redevelop a surface parking lot and vacant commercial development into a mixed-use development with up to 500 residential units and 108,965 square feet of commercial development; On approximately 6.52 acres zoned CRT-2.25 C-0.75 R-1.5 H-150; Within the 2018 White Flint 2 Sector Plan area.

*Staff Recommendation: Approval of the Extension Request*

A. Lindsey

**Waters Village, Preliminary Plan No. 120220200 and Site Plan No. 820220260, Regulatory Review Extension Request #1 - Request to extend the regulatory review period for four months until April 20, 2023**

Application to create one buildable lot for the construction of new retail buildings and a drive-thru restaurant; located at 19621 Waters Road, Germantown, MD; 3.6 acres; CRT-1.0 C-0.75 R-0.75 H-65 zone; 2019 MARC Rail Communities Sector Plan, 2009 Germantown Employment Area Sector Plan master plans.

*Staff Recommendation: Approval of the Extension Request*

A. Duprey

**BOARD ACTION**

**Motion:** Branson/Presley

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendations for approval of the Regulatory Extension Requests cited above.

Commissioner Hill asked questions regarding Federal Plaza, and Staff offered responses.

**Item 4. Roundtable Discussion**

Planning Director's Report  
T. Stern

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action: Received briefing.**

Acting Planning Director Tanya Stern presented a multi-media presentation providing a look ahead into the Planning Department's Work program for 2023.

Some focus areas for 2023 include: the implementation of Thrive Montgomery 2050, continued progress with equity agenda in planning, supporting housing for all through master plans and other initiatives, applying a data-driven approach to all planning work, and supporting the County's Vision Zero initiative.

Acting Director Stern gave an overview of the current master plans in progress as well as the Clarksburg Master Plan and Silver Spring Communities Master Plan that will be launching in 2023. Several studies and special projects under way were also discussed including: the Wheaton Downtown Study, Incentive Density Guidelines update, Friendship Heights Urban Design Study, Innovative Housing Toolkit, Life Sciences Industry and Market Study, Attainable Housing Strategies initiative, and the Growth and Infrastructure Policy Update.

Acting Director Stern highlighted the return of the Design Excellence Awards which will take place in October 2023, as well as progressing placemaking activities and development of the Placemaking Strategic Plan to intentionally determine how to advance placemaking throughout the County.

Acting Director Stern discussed the legislation currently before the County Council which included the No Net Loss bill as well as the data initiatives the Planning Department is working on including the Community Equity Index.

Numerous regional agencies that partner with the Planning Department were highlighted including: the Metropolitan Washington Council of Government's Planning Director's Technical Advisory Committee, Region Forward Coalition, Washington Housing Conservancy Stakeholder Council, ULI Washington, NAOIP, and Maryland Building Industry Association.

Lastly, a session proposal for Creative Placemaking was submitted to the Urban Land Institute spring meeting event in Canada, it was accepted, and Acting Director Stern will attend as a moderator for the panel.

Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

The Board asked questions regarding involvement of forest conservation easements in the first round of the cooperative forecast, the criteria to define a community, what reconciliation means in context to the Equity Index, and the historic preservation of Weller's Drycleaners.

Acting Director Stern and Carrie McCarthy (Division Chief of Research and Strategic Projects) offered comments and responses to the Board's questions.

Vice Chair Presley requested a list of criteria for analysis for the Community Equity Index.

**Item 5. 4910-4920 Strathmore Avenue: Preliminary Plan No. 120220160 and Site Plan No. 820220220 (Public Hearing)**

**A. 4910-4920 Strathmore Avenue: Preliminary Plan No. 120220160**

Request for approval to consolidate an existing lot (Parcel A) and a portion of an adjacent lot (Parcel B) for its resubdivision into 114 buildable lots and creation of outparcels to allow for future redevelopment which includes the vacant St. Angela Hall retirement home; located at 4910-4920 Strathmore Avenue in Kensington, Maryland 20895 on approximately 15.35 acres of land zoned CRNF-0.75, C-0.25, R-0.75, H-50' (Commercial Residential Neighborhood-Floating); within the 1992 North Bethesda/ Garrett Park Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** Piñero/Zyontz

**Vote:** 4 Yea and 1 Nay (Hill-does not find three driveways in the Public's interest)

**Other:**

**Action:** Approved staff recommendation for approval of the Preliminary Plan No. 120220160 cited above, subject to all conditions, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

**B. 4910-4920 Strathmore Avenue: Site Plan No. 820220220**

Request for approval to redevelop the newly consolidated parcel, which includes the vacant St. Angela Hall retirement home, with up to 113 single-family dwelling units and a 145-bed residential care facility, including MPDUs, new access points, and open space on the Site; includes a Final Forest Conservation Plan and modified variance request to remove and impact specimen trees; located at 4910-4920 Strathmore Avenue in Kensington, Maryland 20895 on approximately 15.35 acres of land zoned CRNF-0.75, C-0.25, R-0.75, H-50' (Commercial Residential Neighborhood-Floating); within the 1992 North Bethesda/ Garrett Park Master Plan.

*Staff Recommendation: Approval with Conditions*

T. Graham/S. Findley

**BOARD ACTION**

**Motion:** Presley/Branson

**Vote:** 4 Yea and 1 Nay (Hill-does not find three driveways in the Public's interest)

**Other:**

**Action:** Approved staff recommendation for approval of the Site Plan No. 820220220 cited above, subject to all conditions and modifications by the Board, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Staff presented a multi-media presentation regarding 4910-4920 Strathmore Avenue. Further details can be found in the Staff Report dated December 5, 2022.

The site is located approximately 1,500 feet east of Rockville Pike (MD 355) and is adjacent to both the Strathmore Music Hall and the Academy of the Holy Cross and Church. Directly to the west of the site is a stream valley and the Symphony Park townhouse development, which includes



Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

an open space that visually links the property to Rockville Pike. It was formerly improved with Sisters of The Holy Cross, Inc. St Angela's Hall and the Academy of The Holy Cross, Inc.

The Project proposes to consolidate an existing lot (Parcel A) and a portion of an adjacent lot (Parcel B) for its subdivision into 114 buildable lots and creation of 20 parcels for private roads and open spaces as well as the removal and replacement of the former St. Angela's Hall use on Parcel A.

The Project also proposes construction of up to 9 detached houses and 104 townhouse units on the area currently occupied by athletic fields and lawn, for a total of 113 dwelling units (including a minimum of 15% Moderately Priced Dwelling Units (MPDUs)), with the construction of a 145-bed residential care facility for seniors. The facility will have twenty-four-hour residential care; however, no staff will reside on-site.

The site will be developed in five phases with a new private street network that will serve the new development. No commercial uses are permitted on the Site except accessory uses associated with the residential care facility.

Erin Girard, Miles & Stockbridge, offered comments on behalf of the Applicant.

Arthur Ribeiro, Garrett Park Estates/White Flint Park Citizens Association, offered testimony regarding concerns with traffic and stormwater management issues.

Vanessa Lide, adjacent property owner, offered testimony regarding the proposed changes to Strathmore Avenue and impact on residents. Specifically, regarding parking, traffic backups and the elimination of the East/West shoulder.

Kathleen Prebble, The Academy of the Holy Cross, offered testimony in support of the project.

Joanna Welch, Mayor of the Town of Garrett Park, offered testimony with areas for recommendations including: adding an eastbound left turn lane from Strathmore Avenue onto Stillwater Avenue, lack of recreational facilities for residents, reduction to the number of entrances on Strathmore Avenue, adequate pedestrian facilities, good faith negotiations for acquisition of right-of-way, and future plans with Montgomery County Public Schools (MCPS) for additional schools.

The Board asked questions regarding traffic flow, potential for car charging stations within the parking lot, future school needs, what aspect of the project makes it transit oriented, and potential pedestrian connection from the development to the Metro and Music Center at Strathmore with possible access through The Academy of Holy Cross.

Staff offered responses to the Board's questions with extended conversation regarding the pedestrian connection including further responses from Erin Girard of Miles & Stockbridge.

Rebecca Torma, Montgomery County Department of Transportation, offered responses regarding traffic questions.

Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

Kathleen Prebble, The Academy of the Holy Cross, offered responses regarding no possibility for pedestrian access through The Academy of Hold Cross campus.

Commissioner Hill requested the striking of the hardship sentence on page 56 of the Staff Report under the Forest Conservation section to be reflected in the drafted Resolution.

**Item 6. Staging Allocation Request No. 28000 for Grand Park Development (Phase 1), Site Plan No. 820220040 (Public Hearing)**

Staging Allocation Request for 210 residential units and 16,000 square feet of non-residential development. CR-4.C-2.0 R-3.5 H-250; located at the southeast quadrant of Old Georgetown Road and Executive Boulevard in the North Bethesda (White Flint) Sector Plan area.

*Staff Recommendation: Approval*

N. Yearwood

**BOARD ACTION**

**Motion:** Hill/Presley

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendation for approval of Staging Allocation Request No. 28000, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Nkosi Yearwood presented a multi-media presentation regarding Staging Allocation Request for Grand Park Development. Further details can be found in the Staff Report dated December 5, 2022.

Silverstone Bethesda Owner LLC filed a Staging Allocation Request (SAR) No. 28000 on November 30, 2022, for 210 residential units and 16,000 square feet of non-residential development. This Staging Allocation Request (SAR) is associated with Grand Park Development-Phase 1, which is included in the approved Site Plan No. 820220040, Grand Park Development (Phase 1). The proposed SAR is consistent with the previous approvals for the site and the White Flint Sector Plan Implementation Guidelines. This request is unique to the White Flint area. The existing allocation capacity (before this approval) is 3,598 dwelling units and 1,825,860 square feet of non-residential development.

**Item 7. 4901 Battery Lane Preliminary Plan 120220100 and Site Plan 820220160  
(Public Hearing)**

Request to create one lot for the construction of 417,367 square feet of residential development, for a maximum of 372 multi-family dwelling units, with a minimum of 15% MPDUs, 277,704 square feet of BOZ density and associated PIP payment; CR-1.5 C-0.5 R-1.5 H-120' and Bethesda Overlay Zone (BOZ); Located on the north side of Battery Lane, approximately 450 feet west of its intersection with Woodmont Avenue; 2017 Bethesda Downtown Sector Plan.

*Staff recommendation: Approval with Conditions*

A. Bossi

**A. Preliminary Plan**

**BOARD ACTION**

**Motion: Hill/Presley**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Preliminary Plan No. 120220100 cited above, subject to conditions and two modifications (1 suggested by Staff and 1 by Commissioner Hill), which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

**B. Site Plan**

**BOARD ACTION**

**Motion: Hill/Presley**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Site Plan No. 820220160 cited above, subject to conditions and one modification suggested by Staff, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Adam Bossi presented a multi-media presentation regarding 4901 Battery Lane. Further details can be found in the Staff Report dated December 5, 2022.

The applications propose to redevelop a site in downtown Bethesda and to replace two existing garden-style apartment buildings with a new multi-family building. The subject site is bounded by the National Institutes of Health campus to the north, Sunrise of Bethesda senior living facility to the west, and four-story garden style apartments to the east and south.

The Preliminary Plan proposes to consolidate three existing lots into one lot of approximately 2.1 acres for up to 372 multi-family dwelling units. The Site Plan uses the Optional Method of development to propose 416, 367 square feet of residential development in a single building, 120 feet in height with 372 dwelling units, including 15 percent Moderately Priced Dwelling Units MPDUs (56 units), and site features such as ground-level and rooftop amenity spaces for residents,

Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

structured parking, landscaping, and two pedestrian through-block connections. A Forest Conservation Variance is requested for three specimen trees which is supported by Staff.

Three corrections to the Staff Report – Finding 4a to remove bike lane language under the Preliminary Plan; and two corrections to Condition 5b related to MPDU density and PIP payment under the Site Plan Conditions.

Commissioner Hill requested striking the first full paragraph on page 50 of the Staff Report under the Exceptional Design section beginning with the wording “*The Project provides a site design that incorporates...*” due to being unnecessary and problematic.

The Board asked questions regarding the FAR requirements (whether commercial is required), exceptional site design points, future for the current tenants of the building as well as potential relocation, location and placement of the MPDUs within the new building, whether there are existing affordable units, inclusion of car charging stations within the parking lot, potential impact to surrounding schools, and lack of recreational area for children (reports should include more discussion about children).

Staff provided responses and comments to the Board’s questions.

Robert Kronenberg, Deputy Planning Director and Lisa Govoni, Planner IV, provided further responses regarding MPDU units. They mentioned that the Board will get an update on the MPDU program as well as the point system in the future. Ms. Govoni also explained that the existing rents are not regulated and the new MPDUs will be regulated.

Nancy Regelin, Shulman Rogers, offered comments and responses on behalf of the Applicant. She described the current rents, the proposed recreational facilities, and provision of enhanced accessible units.

Elza Hisel-McCoy explained that there are many public amenities nearby for the children in the building to use. As to schools, there is an adequate public facilities (APF) review that is done for the preliminary plan, and there is capacity in the schools for this development at this time.

Acting Planning Director, Tanya Stern, added that it may be helpful for the Board to receive a briefing on the APF process and recreational points.

**Item 8. 1910 University Senior Housing, Preliminary Plan No. 120210230 (Public Hearing)**

Request to create two lots, one for an existing Religious Assembly use and one for a proposed 90-unit Independent Living Facility for Seniors; on approximately 3.56 acres zoned R-60; within the 2012 Wheaton CBD and Vicinity Sector Plan area.

*Staff Recommendation: Approval with Conditions*

E. Tettelbaum

**BOARD ACTION**

**Motion:** Piñero/Presley

**Vote:** 5-0

**Other:**

**Action:** Approved staff recommendation for approval of the Preliminary 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.

Emily Tettelbaum presented a multi-media presentation regarding subdivision of the property for 1910 University Senior Housing. Further details can be found in the Staff Report dated December 5, 2022.

The Subject Property consists of a 1.31-acre unplatted parcel, and the 1.91-acre platted Parcel B. Parcel B contains the approximately 30,597-square foot Har Tzeon-Agudath Achim Synagogue (HTTA or synagogue) and an associated surface parking lot. The unplatted parcel is improved with a former residence, currently being used as a food pantry by HTTA, a playground, and an additional surface parking lot.

The proposed Senior Building is 98,000 square feet and contains one- and two-bedroom units. All of the units will be for individuals 62 years of age or older (at least one individual in a household must be 62 or older). The units will be income restricted and approximately 30% will be reserved as Moderately Priced Dwelling Units (MPDUs).

The Applicant proposes to subdivide the Property into two lots, one for the existing Synagogue and one for redevelopment with a 90-unit independent living facility for seniors, as approved by Conditional Use CU202204. All of the 90 units will be income restricted units. The one-story Synagogue building will be reduced to 22,000 square feet, with a seating capacity of 200, after demolition of a portion of the existing building. 93 total parking spaces with 10 on the lot with senior housing and 83 shared between the senior housing and synagogue

The Board asked questions regarding the traffic signal on University Boulevard, if the site is separated into two different proposals, and clarity of condition 23.a.

Staff offered comments and responses to the Board's questions.

Jody S. Kline, of Miller, Miller & Canby, offered comments and responses on behalf of the Applicant, and stated all conditions are acceptable to the Applicant.

**Item 9. SSDAC Design Guidelines**

Silver Spring Downtown and Adjacent Communities Plan Briefing:

Overview of Approved and Adopted Sector Plan and Presentation of Draft Design Guidelines. Staff will present a brief summary of the Plan that was approved and adopted in June 2022, along with the draft Design Guidelines that will support the Plan.

A. Margolies

**BOARD ACTION**

**Motion:**

**Vote:**

**Other:**

**Action: Received briefing.**

Atara Margolies presented a multi-media presentation regarding a brief summary of the Silver Spring Downtown and Adjacent Communities Plan and overview of the Draft Design Guidelines. Further details can be found in the Staff Report dated December 8, 2022.

The Planning Board, County Council, and M-NCPPC approved and adopted the Silver Spring Downtown and Adjacent Communities Sector Plan in June 2022. To accompany the Plan, Staff is developing Design Guidelines for development of new buildings, parks, and public spaces in the Plan area. Some recommendations for the Design Guidelines included: a network of resilient streets connecting the downtown districts, new and enhanced parks and open spaces, reducing the heat island effect, and recognition of downtown sites that are culturally and socially significant.

Staff briefed the Planning Board on the progress of the draft Design Guidelines which include plan-wide guidelines as well as district guidelines. Plan-wide guidelines include streets/right-of-way, site design, building form and design, parks and public spaces, and connections over rail. District guidelines also include site-specific guidelines.

Christina Sasaki, Park Planner, Park Planning and Stewardship took over the presentation to explain the Design Guidelines for parks and public spaces, which incorporate three design principles listed as follows: access and connectivity, sense of community, and urban ecology. Ms. Sasaki further discussed the areawide Design Guidelines, design elements, and privately-owned public spaces (POPS).

Ms. Margolies continued the presentation by describing the districts included within the Silver Spring Downtown and Adjacent Communities (SSDAC) Design Guidelines. The five districts are as follows: the Ellsworth District, Fenton Village District, Metro Center and Ripley Districts, South Silver Spring District, and the Downtown North District.

The Board asked questions regarding the plan boundaries, involvement with community groups/local officials, how potential plan implementation and deliverables would be tracked, future plans for the tree canopy due to destruction from the Purple Line, and potential for Silver Spring Overlay Zone.

Staff offered comments and responses to the Board's questions.

Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

The Board offered further comments regarding further research regarding historic buildings within the Silver Spring area as well as collaboration and continual outreach with the community and the Economic Development Board.



**Item 10. Chaberton Solar Santa Rosa, Site Plan No. 820220210 (Public Hearing)**

Request to allow a solar collection system producing more than 120 percent of on-site energy use in the RC (Rural Cluster) zone; 10 acres; located at 13330 Signal Tree Lane; 2002 Potomac Subregion Master Plan.

*Staff Recommendation: Approval with Conditions*

P. Estes

**BOARD ACTION**

**Motion:** Hill/Presley

**Vote:** 5-0

**Other:**

**Action:** **Approved staff recommendation for approval of the Site 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.**

Philip Estes presented a multi-media presentation regarding Chaberton Solar Santa Rosa, an application to approve a solar collection system. Further details can be found in the Staff Report dated December 2, 2022.

The proposed solar collection system would operate as a “community solar project” which could power up to 400 homes. Unlike standard solar panels which are typically installed on the customer’s rooftop and are solely for the use of one household, community solar is shared by two or more utility customers within a geographic area.

The solar collection system has limited visibility from Signal Tree Lane given existing mature vegetation, elevated topography along the roadway, and low-profile characteristic (less than one foot in height) of the solar array system. The proposed solar panels consist of an “earth-mounted” technology, the first such installation in Montgomery County. This technology has a higher energy production per acre than standard tracker panels, and solar collection systems producing more than 120% of on-site energy are allowed as a limited use in the RC zone, subject to Site Plan approval.

The Property is presently developed with one single-family residence which will remain in place. Improvements for this Project are limited to the solar panel structures, accessory equipment, fencing, landscaping, stormwater management facility, and driveway access modifications. The solar array system would cover approximately four of the 10-acres of land on the Property, and a seven-foot specialty woven wire perimeter fence will enclose the solar arrays for security and safety purposes.

Staff received one community comment related to off-site views, and the Applicant suggested additional planting.

Staff also noted one correction to the Staff presentation regarding the afforestation requirement. Staff noted the correct requirement amount is 2.01 acres. The requirement amount listed in the multi-media presentation and Staff Report is correct.

Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

Francoise M. Carrier, of Bergman, Berbert, and Schwartz, offered comments on behalf of the Applicant.

The Board asked questions regarding potential noise, glare from the panels, and what the structure underneath the panels will consist of.

Ryan Boswell, Director of Development for Chaberton Energy presented a brief multi-media presentation as well as offered comments and responses regarding the noise and glare from the solar panels.

Jennifer Anderson, of Klein Felder, and Francoise M. Carrier, Attorney, for the applicant, offered comments regarding the structure of the panels and stormwater management system

**Item 11. Remembrance Park (aka Reflection Park), Preliminary Plan No. 120210150 (Public Hearing)**

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 with Conditions*

J. Casey

**BOARD ACTION**

**Motion: Branson/Presley**

**Vote: 5-0**

**Other:**

**Action: Approved staff recommendation for approval of the Preliminary 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. A transmittal letter will be drafted and sent to MCDEP pursuant to request of Commissioner Hill.**

Sandra Pereira presented a multi-media presentation regarding a request to create one lot for a cemetery as a Conditional Use and community assembly building. Further details can be found in the Staff Report dated December 2, 2022.

On October 11, 2021, the Montgomery County Hearing Examiner approved Conditional Use No. CU2021-06 (CU 21-06), Reflection Park Inc., for the establishment of a “green” Cemetery on the Subject Property. On October 24, 2022, the Hearing Examiner approved a minor amendment to the approved Conditional Use plan to allow the installation of a temporary office building and utility shed (storage container) as well as modify the associated landscape plan. Preliminary Plan Application No. 120210150, Remembrance Park, was submitted on March 17, 2021, by Reflection Park, Inc., to convert an existing unrecorded parcel to a 40.22-acre lot for a Cemetery, associated buildings and parking. As proposed, the Preliminary Plan is consistent with the approved Conditional Use and conditions of approval.

The Property will be developed in stages, on an as needed basis. In the first stage, the development will include a 520 square foot maintenance building, a 624 square foot office building and a 441 square foot entry pavilion/gazebo (greeting and information kiosk) that will be located at the western most portion of the Property near the entrance. At full build-out, 79 parking spaces will be provided on-site. Twenty of these will be provided in the first phase near the entrance office and along the drive.

The community building, with a capacity of up to 200 people, is intended to serve a variety of functions including services associated with burials and commemorations, education presentation and a community center. There are no existing pedestrian facilities along the Property frontage on New Hampshire Avenue, and as part of this Application, the frontage will be improved with a six-foot-wide concrete sidewalk.

Montgomery County Planning Board  
Public Meeting Minutes of December 15, 2022

The last stage of the development also includes the construction of a 1,024 square-foot maintenance building that will be located near the proposed community building. This building will be used for storage of grounds maintenance equipment and burial equipment such as backhoes, chairs, tents, etc.

Josh Penn, Planner III, continued with the multi-media presentation and gave an overview of the Patuxent River Primary Management Area (PMA) and forest conservation plan for the property.

Donald Chamberlin, Patuxent Watershed Protective Association, offered testimony in opposition to the cemetery.

Dr. Linda Moore offered testimony in opposition to the cemetery.

Quentin Remein, President of the Cloverly Civic Association, offered testimony in opposition to the cemetery.

The Board asked questions regarding the potential need for refrigeration, if the grave markers would be on the exact location of the grave sites, if the cemetery would be for human burials only, proximity to neighborhoods or residents using well water as well as potential groundwater contamination, if there were any other green cemeteries within Maryland, replanting of areas within the Cemetery, and what would happen if the green cemetery would be abandoned in the future.

Staff provided extended comments and responses to the Board specifically with regard to the testing of groundwater.

Jody S. Kline, of Miller, Miller & Canby offered a background overview of the project, comments and responses on behalf of the Applicant.

Vice Chair Presley voiced further concerns regarding experts testing only potential emissions seeping into groundwater or whether existing groundwater contaminants were considered as well.

Basil Eldadah, the Applicant, offered comments and responses to the Board's questions as well as an explanation regarding understanding the sensitivity and environmental aspects of the project and property.

Commissioner Hill requested Staff draft a letter to the Department of Environmental Protection (DEP) requesting continuous testing and monitoring of groundwater both above and below the cemetery. The Board agreed with Commissioner Hill regarding drafting a letter to DEP.

Robert Kronenberg, Deputy Planning Director offered comments and recommendations regarding drafting the potential letter to DEP requesting participation in a study of testing groundwater contaminants.