

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES AND SUMMARY

SUMMARY

Thursday, January 26, 2023

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, January 26, 2023, beginning at 9:04 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.

Items 1 through 9 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch at 12:47 p.m. to conduct an administrative function per Annotated Code of Maryland, General Provisions Article § 3-104. The administrative function began at 12:55 p.m. within Wheaton Headquarters and via Microsoft Teams and consisted of an ethics training presented by Katherine Thompson of the Maryland State Ethics Commission. Also present for the training were General Counsel Debra Borden, Principal Counsel Emily Vaias, Senior Counsel Matthew Mills, and Associate General Counsel Allison Myers. Vice Chair Presley was necessarily absent.

The administrative function ended at 1:59 p.m., and the Board reconvened in the auditorium and via video conference at 2:30 p.m. to discuss Item 10 as reported in the attached Minutes.

There being no further business, the meeting was adjourned 4:31 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 2, 2023, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich

Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Falkland North Preliminary Plan 12007056B – MCPB No. 23-003
2. 2115 East Jefferson Street Sketch Plan 320220110 – MCPB No. 23-002

BOARD ACTION

Motion: Presley/Branson

Vote: 5-0

Other:

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes for January 5, 2023
2. Minutes for January 12, 2023

BOARD ACTION

Motion: Branson/Piñero

Vote: 5-0

Other:

Action: Approved Planning Board Meeting Minutes of January 5, 2023 and January 12, 2023, with noted correction to Item 8 in minutes of January 5, 2023.

C. Other Preliminary Matters

Great Seneca Science Corridor – Reappoint Implementation Advisory Committee

Reappointment of the Implementation Advisory Committee for the 2010 Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approve reappointment of GSSC IAC members.

S. Findley

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

Action: Approved reappointment of Great Seneca Science Corridor-Implementation Advisory Committee members.

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)

BF Gilberts Subdivision of Takoma Park, Administrative Subdivision No. 620210160, Extension Request No. 2 - Request to extend the review period from February 7, 2023 to May 7, 2023.

R-60 zone, 0.60-acres, within the 2000 Takoma Park Plan; request to create two lots for one single-family dwelling unit on each lot. Located at 37 Oswego Avenue in the City of Takoma Park, approximately 437ft S of Ritchie Avenue.

Staff Recommendation: Approval of the Extension Request

T. Gatling

BOARD ACTION

Motion: Branson/Presley

Vote: 5-0

Other:

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

Sandy Spring Missing Middle Pilot Project: Preliminary Plan No. 120220050, Site Plan No. 820220090, Regulatory Review Extension Request No. 3 - Request to extend the regulatory review period by three months until April 27, 2023.

Sandy Spring Meadow: Preliminary Plan No. 11982180A, Site Plan No. 81982092A, Regulatory Review Extension Request No. 2 - Request to extend the regulatory review period by three months until April 27, 2023.

Applications to amend the approved maximum dwelling unit density and minimum green space for an existing subdivision, and to create 11 new lots for 19 new dwelling units, including a minimum of 25 percent MPDUs; located in the northeast quadrant of the intersection of Olney Sandy Spring Road (MD 108) and Skymeadow Way, approximately 450 feet east of Brooke Road; 3.27 acres, R-60 zone, 2015 Sandy Spring Rural Village Plan.

Staff Recommendation: Approval of the Extension Requests

P. Estes/J. Casey

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

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

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 regarding 4010 Randolph Road which is a new 195-unit affordable housing project at the former Montgomery County Department of Recreation administrative office building site. The project represents a partnership between Montgomery County Government, AHC, Inc., and Habitat for Humanity to provide deeply affordable homes in a family-oriented community which offers both rental and homeownership opportunities at various incomes. The project also features a half-acre park with a playground, a picnic area, inviting pedestrian walkways, and open lawn areas.

Division Chief of Midcounty Planning, Carrie Sanders, then continued with the presentation to highlight the 2019 *Veirs Mill Corridor Master Plan*, which had a special focus on this site as an opportunity area for growth of diverse housing types.

The Plan recommended rezoning this site from R-60 to CRN (Commercial Residential Neighborhood Zone) to enable the construction of medium density residential uses and neighborhood-serving uses near the Corridor's commercial center. The Plan also recommended diverse housing types on the site to transition between the Corridor's commercial center, future bus rapid transit on Veirs Mill Road, and the surrounding residential communities.

Overall, the review process for 4010 Randolph Road project took about six months, and Ms. Sanders highlighted the team members that led the regulatory review.

Acting Director Stern finished the presentation by noting data presented to the County Council regarding the demographic trends of the County overall and individual districts. The data included different indicators such as age, race, ethnicity, income, etc., which helped to better understand communities that are served and highlight issues that could be a focus for programs and policies.

Item 5. Rock Spring Centre: Preliminary Plan Amendment No. 11998092C, Site Plan Amendment Nos. 82003036C, 82004017C, 82009003A (Public Hearing)

Staff recommendation: Approval with conditions of the Preliminary Plan Amendment and three Site Plan Amendment applications.

E. Tettelbaum

A. Preliminary Plan Amendment No.11998092C, Rock Spring Centre

Request to revise lots, parcels, and private roads for up to 1,049,900 square feet of commercial density and up to 1,250 dwelling units; located at the northwest corner of the intersection of Old Georgetown Road and Rock Spring Drive, Bethesda; on approximately 53.4 acres of land zoned CR-1.5, C-0.75, R-1.0, H-275 and CR-1.5, C-0.75, R-0.75, H-275; within the 2018 Rock Spring Master Plan area.

BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Preliminary Plan Amendment No. 11998092C cited above, subject to conditions and modifications, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

B. Site Plan Amendment No. 82003036C, Rock Spring Centre Tower I

Request to shift 226 approved, unbuilt dwelling units to Site Plan Amendment No. 82009003A; located on Rock Forest Drive 1,400 feet East of Rockledge Drive, Bethesda; on approximately 3.09 acres of land zoned CR-1.5, C-0.75, R-1.0, H-275; within the 2018 Rock Spring Master Plan area.

BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of the Site Plan Amendment No. 82003036C 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.

C. Site Plan Amendment No. 82004017C, Rock Spring Centre Tower II

Request to shift 227 approved, unbuilt dwelling units to Site Plan Amendment No. 82009003A; located on Rock Forest Drive 1,000 feet East of Rockledge Drive, Bethesda; on approximately 1.96 acres of land zoned CR-1.5, C-0.75, R-1.0, H-275; within the 2018 Rock Spring Master Plan area.

BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

Action: **Approved staff recommendation for approval of the Site Plan Amendment 82004017C 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.**

D. Site Plan Amendment No. 82009003A, Rock Spring Centre Phase III
Request for up to 133,100 square feet of retail uses and up to 614 dwelling units; located at the northwest corner of the intersection of Old Georgetown Road and Rock Spring Drive, Bethesda; on approximately 30.40 acres of land zoned CR-1.5, C-0.75, R-1.0, H-275 zone; within the 2018 Rock Spring Master Plan area.

BOARD ACTION

Motion: **Hill/Presley**

Vote: **5-0**

Other:

Action: **Approved staff recommendation for approval of the Site Plan Amendment 82009003A cited above, subject to conditions and modifications, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.**

Emily Tettelbaum, Planner III, presented a multi-media presentation regarding a request to revise lots, parcels, and private roads for up to 1,049,900 square feet of non-residential density and up to 1,250 dwelling units, transfer unbuilt density between site plan approvals, and construct up to 133,100 square feet of retail uses and up to 614 dwelling units. Further details can be found in the Staff Report dated January 13, 2023.

The Rock Spring Centre project was initiated in the mid-1990s when 53.4 acres of land were rezoned from the Residential High-Rise (RH) Zone to the Mixed Use Planned Development (MXPD) Zone. A Preliminary Plan (No. 119980920) was approved in 1999 and amended twice to allow a mixed-use development consisting of office, retail, entertainment, and community center uses in addition to 1,250 multi-family dwelling units.

The Applicant has submitted amendment applications for the Preliminary Plan (No. 11998092C), the Phase 2 Site Plans (Nos. 82003036C, 82004017C) for the residential towers, and the Phase 3 Site Plan (No. 82009003A) for the mixed-use development on the southern portion of the Property. Preliminary Plan Amendment No. 11998092C requests to reconfigure and consolidate lots and parcels on the southern portion of the Property to provide a grid of private streets. No changes to density are proposed with the Preliminary Plan Amendment, but the Site Plan Amendments propose a transfer of unbuilt residential density between site plan approvals. The Preliminary Plan Amendment also seeks an extension of the Adequate Public Facilities (APF) validity period for the Project for ten years, which staff supports, but recommends phased extension until 2033. The Application also seeks to abandon Parcel M, which was dedicated to the County for recreational purposes under a prior approval, as Parcel M has never been used by the public and the Recreation Department has since indicated that they do not intend to use it for public purposes.

The Phase 2 Residential Tower Site Plan Amendments (Nos. 82003036C, 82004017C) request a reduction in approved residential density, allowing the transfer of 453 approved, but unbuilt,

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dwelling units to the Phase 3 Mixed-Use Site Plan. No other changes to the Phase 2 Site Plans are proposed at this time.

Site Plan Amendment No. 82009003A divides the previously approved extent of the Phase 3 mixed-use center into two phases- Phases 3 and 4, in which the subsequent Site Plan(s) are required for future Phase 4.

Site Plan Amendment No. 82009003A includes the following: splitting existing Phase 3 into two phases (3 and 4), 614 dwelling units with 18% MPDUs, 133,100 square feet of retail uses, maximum of 80-foot tall buildings, relocation and renovation of the estate house, activation of the central Forest Conservation area with natural surface trails and other nature-based amenities, a 0.7-acre Urban Park adjacent to the central Forest Conservation area, an expanded, buffered sidewalk along Old Georgetown Road frontage, a buffered sidewalk and bike lane along Rock Spring Drive frontage, and improvements to Cabin John Regional Park.

Staff noted changes to the recommended conditions for Preliminary Plan No. 11998092C regarding the removal of Condition No. 32 and correction to wording of Condition No. 27, as well as changes to the recommended conditions for Site Plan No. 82009003A including correction of wording to Condition No. 5c.ii and removal of Condition No. 21.

Elizabeth Rogers, of Lerch, Early and Brewer, offered a multi-media presentation and comments on behalf of the Applicant. Ms. Rogers also described the long history and investments the Applicant has put into the project already, as well as the joint venture structure with Buchanan Partners.

Russ Gestl, of Buchanan Partners, offered comments regarding the previous project plans, the joint venture structure, types of development for the property, focus of the APF of the property, the current plans for the property, and the midblock entrance off Rock Spring Drive.

The Board asked questions regarding the recommended removal of the mid-block driveway, the movement of density from Phase 2 to Phases 3 and 4, as well as details about the estate house and stormwater management.

The Board also offered comments and concern regarding the specificity of the condition language directing the Applicant's proposed contributions to Cabin John Park athletic fields. In response, Staff proposed to remove the term "athletic field capacity" in favor of more generalized wording for Conditions Nos. 13-16 of Preliminary Plan Amendment No. 11998092C, as well as Condition No. 8 of Site Plan Amendment 82009003A. The Applicant and Parks staff concurred with this change, and the Board agreed that it would address the concern.

The Board also raised a concern about the tree variance section of the Staff Report, noting that the language should be revised to clarify that the Applicant does not have a right to a variance. Staff agreed and indicated that this wording would be changed in the resolution.

The Board also raised questions about the proposed private roads and access to the Urban Park on site.

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Josh Sloan, of VIKA and Russ Gestl offered comments and responses on the design elements of the private roads.

Trini Rodriguez, of Parker Rodriguez, offered comments and responses regarding the Urban Park, which will serve the general Rock Springs area.

Item 6. 8001 Wisconsin Avenue, Sketch Plan No. 320210050 and Preliminary Plan No. 120210140 (Public Hearing)

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 block bounded by Wisconsin Avenue, Highland Avenue, West Virginia Avenue, and Tilbury Street; 2017 Bethesda Downtown Sector Plan.

Staff recommendation: Approval with Conditions

G. Bogdan

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 with 15% MPDUs and up to 15,000 square feet of non-residential uses, including up to 159,689 square feet of BOZ density and associated PIP payment.

BOARD ACTION

Motion: Piñero/Presley

Vote: 5-0

Other:

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

B. Preliminary Plan No. 120210140

Request to create one lot for up to 350 multi-family dwelling units and up to 15,000 square feet of non-residential uses.

BOARD ACTION

Motion: Branson/Hill

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.**

Grace Bogdan, Planner III, presented a multi-media presentation regarding 8001 Wisconsin Avenue in downtown Bethesda along the east side of Wisconsin Avenue. Further details can be found in the Staff Report dated January 13, 2023.

The Applications propose to redevelop an entire city block in Downtown Bethesda with a new mixed-use building with ground floor commercial and residential above and includes abandonment of a public alley and closure of several curb cuts along the four frontages to consolidated access points. The Project also addresses implementation of the 2017 *Bethesda Downtown Sector Plan*, specifically the Sector-Planned Eastern Greenway. The Project will provide a mixed-use building 90 feet in height with ground floor retail along Wisconsin Avenue stepping down to 70 feet adjacent to the proposed Eastern Greenway.

The Sketch Plan includes the Applicant's initial design approach, as well as the Parks Department's Concept Framework for the Eastern Greenway. Conformance with this general Framework will help ensure continuity across the blocks and produce a unified set of diverse experiences. Further detail such as final size, design, construction phasing, and operational issues will be addressed at Site Plan.

The Preliminary Plan will create one lot on 2.74 acres for mixed-use development of up to 350 multi-family dwelling units and up to 15,000 square feet of non-residential uses. The Plan also requests waivers for reduced truncation and exterior noise.

Staff noted corrections to Preliminary Plan Condition Nos. 3, 22.b.i, and 25.

Paige Nerenberg offered testimony regarding full support of the project moving forward. Ms. Nerenberg noted excitement that B. F. Saul Company has taken the project on and provided thoughtful design for the project including the underground parking, delivery entrance, and incorporation of the Eastern Greenway.

Amanda Farber offered testimony regarding compliments of the development team, as well as support for the many components that the project will implement. Ms. Farber asked for further design consideration from Planning staff during site plan regarding the delivery entrance being deep enough for full size delivery vehicles as well as street scape design that accommodates the future Bus Rapid Transit (BRT) station and canopy trees for the Eastern Greenway.

The Board asked questions regarding potential overlap of the right-of-way and future greenway, the orientation of the grand entrance for the building off Highland Avenue, and activation at ground level with access onto the future Eastern Greenway as recommended in the applicable Sector Plan and Guidelines.

Commissioner Hill offered further suggestions regarding the building's street address being listed as Highland Avenue as it is the location for the grand entrance.

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

Matt Gordon, of Selzer Gurvitch, offered comments on behalf of the Applicant, including responses regarding design aspects of the project to be addressed during site plan.

Jeremy Sharp, of Torti Gallas Architects, offered comments and responses regarding potential retail uses along the greenway, orientation of the building, and activating residential use.

Item 7. Silver Spring Downtown and Adjacent Communities Plan Draft Design Guidelines (continued)

Continued from January 19, 2023. Present draft Design Guidelines updated as necessary to reflect Planning Board comment. Accept public comment of Draft Design Guidelines.

Staff recommendation: Approval of Design Guidelines

A. Margolies

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing and provided comments. Board agreed to consider final draft with comparison document on February 9, 2023 for approval.

Atara Margolies, Planner III, presented a multi-media presentation regarding comments and revisions to the Silver Spring Downtown and Adjacent Communities Plan Draft Design Guidelines. Further details can be found in the Staff Report dated January 19, 2023.

Ms. Margolies presented the public comments received as well as any revisions to the Draft Design Guidelines based on Planning Board comments from the January 19, 2023. The comments and revisions are listed below:

1.2.2 Design Guidelines and Flexibility

To address comments requesting additional flexibility, Staff proposed adding language to this section to confirm that “constraints” will be considered for each project.

The Board offered comments regarding specificity of meaning of constraints and excluding financial constraints when discussing constraints of a project.

2.1.2 Streets

To address comments requesting clarity regarding the relationship between street sections in the Design Guidelines and those in the Approved and Adopted Sector Plan, Staff proposed adding language to this section to clarify that Street Sections provided in Section 3.6.9 of the Sector Plan override street sections and dimensions provided in the Guidelines. The Board accepted the proposed change.

2.2.2 Green Cover

Despite comments requesting additional allowances towards the 35% green cover as required by the Sector Plan, Staff proposed to leave the language unchanged, as it was adopted and approved by the County Council as part of the Sector Plan. The Board concurred.

2.2.3.c.1 Tower

Despite comments received, Staff determined that the language of this section makes clear that unique corner treatments are permitted by the Guidelines. The Board agreed that no change was needed.

2.3.4 Parking

In response to a comment requesting removal of a reference to the Zoning Ordinance that addresses screening structured parking, Staff noted that removing the reference would not change the zoning requirement and proposed that it remain for clarity

In response to a comment regarding surface parking for CRN parcels, Staff noted that the existing language says that the Guidelines permit surface parking in the Adjacent Communities. However, as “permit” is not an appropriate term for Design Guidelines, Staff recommends removing this sentence entirely.

The Board concurred with Staff’s recommendations for this section.

2.3.5. Adaptive Reuse of Buildings

In response to a comment requesting more clarity on which buildings are candidates for façade/frontage preservation, Staff proposed modified language.

In response to a comment requesting deeper setbacks for frontage preservation and façade preservation, Staff indicated that the guideline as proposed is consistent with what Historic Preservation Planning Staff has found workable and appropriate for these sites.

The Board concurred with Staff’s recommendations.

2.4 Parks

In response to a comment regarding the rendering of a new entrance to Jesup Blair Park, Staff clarified that the rendering is entirely illustrative.

Ms. Margolies noted additional comments were received from Chair Zyontz and Montgomery County Department of Transportation (MCDOT) that were clarifications and editorial.

Lastly, Ms. Margolies presented additional revisions proposed by Staff for the following sections:

- *2.3.3. Residential Development for CRN Zoning:* Modify the language in the first paragraph in the section: “Development of CRN properties is only achieved through Standard Method of development, which does not include Plan Review. These guidelines are provided for informational use only.”
- *2.3.5. Adaptive Reuse of Buildings:* Reorder the subsections so properties are discussed in this order: sites on the Locational Atlas, garden apartment sites, other older buildings.

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Removed a statement about character-defining features as those are determined by the Historic Preservation Staff during review.

- *General:* Language will be added that clearly calls out when text is coming from the Sector Plan. For example: 1.3 Urban Design Goals and Recommendations, 2.2.2 Green Cover, 2.4.3 Urban Park Subcategories.

The Board agreed with Staff's proposed revisions.

Stacy Silber, of Lerch, Early and Brewer, offered testimony regarding general agreement with staff regarding the revised changes for the Design Guidelines and emphasized the importance of flexibility in the Guidelines. Ms. Silber noted viewing the additional revisions and changes in text before approval of the Guidelines would also be preferred.

Commissioner Hill offered comments regarding lack of vernacular architecture and historic preservation of best example(s) of garden style apartments within the Silver Spring area if community will exist for it. Commissioner Hill further referenced the Art Deco Society of Washington's letter noting the commonality of distinctive architecture in Silver Spring might be Art Deco style.

Ms. Margolies offered comments and responses to Commissioner Hill.

The Board requested that Staff incorporate the revisions discussed and provide the original draft version, final draft version, and a document identifying the changes made for review by the Board and the public. The Board will consider the final draft at its public meeting on February 9, 2023 for approval.

Item 8. Silver Spring Design Advisory Panel – Member Appointments

Candidates for membership on the Design Advisory Panel will be reviewed and members will be appointed.

Staff recommendation: Approval of Appointments

A. Margolies

BOARD ACTION

Motion: Hill/Presley

Vote: 5-0

Other:

Action: Approval of staff recommendation for approval of Member Appointments for Silver Spring Design Advisory Panel.

Atara Margolies, Planner III, presented a multi-media presentation regarding appointments to the Silver Spring Downtown Design Advisory Panel (DAP). Further details can be found in the Staff Report dated January 19, 2023.

Staff nominated the following candidates for the inaugural Silver Spring Downtown DAP in staggered terms of two, three, and four years: Bill Bonstra (3 yrs), David Cronrath (3 yrs), Alice Enz (4 yrs), Praj Kasbekar (2 yrs), and Qiaojue Yu (2 yrs).

Staff also recommended approval of the draft DAP Rules of Procedure, which are closely modeled on the Bethesda DAP Rules of Procedure and guide the administrative functioning of the panel.

The Board offered comments and suggestions regarding the DAP Rules of Procedure regarding overall process and procedures for DAP meetings.

At the recommendation of Staff, the Board allowed Staff time to draft updated DAP Rules of Procedures and decided to consider approval of the Rules of Procedure on February 9, 2023 along with the Design Guidelines.

Item 9. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments – County Executive’s AD 2023-1 Administrative Amendment Group – Three Water/Sewer Service Category Change requests.

Staff Recommendation: Approval and Transmit Comments to County Executive
K. Nelson

BOARD ACTION

Motion: Piñero/Branson

Vote: 5-0

Other:

Action: Approved staff recommendation for approval of Three Water/Sewer Service Category Change requests; transmit comments to the County Executive in a transmittal letter to be drafted at a later date.

Katherine Nelson, Planner III, presented a multi-media presentation regarding three water/sewer service change requests. Further details can be found in the Staff Report dated January 13, 2023.

The three Water/Sewer service category change requests are listed below as follows:

WSSCCR 23-DAM-01A: Ana Ayala and Anmer Fuentes - The applicant has requested approval of Sewer Service category S-1 to allow for public sewer service for the existing home. This property 0.59-acres and zoned RE-2C zone. This property is within the 2006 Damascus Master Plan water and sewer envelope and is also eligible for Water service.

WSSCCR 23-POT-01A: William and Annie Reyes - The applicant has requested approval of sewer category S-1 to allow for public sewer service for an existing single-family home. The property is 2.68-acres in size, and zoned RE-2. The property is located at the periphery of the planned public sewer service envelope. To qualify for the Potomac Peripheral Service Policy, the property must at a minimum abut or confront the 2002 Potomac Subregion Master Plan sewer envelope.

WSSCCR 23-TRV-01A: Eugene Imbro and Susan Huddy - The applicant has requested approval of sewer category S-1 to allow for public water service for an existing single-family home. This property is 0.92-acres in size and zoned RE-1. The property is located at the periphery of the planned public sewer service envelope. To qualify for the Potomac Peripheral Service Policy, the property must at a minimum abut or confront the 2002 Potomac Subregion Master Plan sewer envelope.

Item 10. Rustic Roads Functional Master Plan Update – Work Session #2

Staff Recommendation: Discuss public testimony on the Rustic Roads Functional Master Plan Update Public Hearing Draft and provide guidance to staff.

J. Pratt/R. Duke

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing followed by discussion.

Jamey Pratt, Planner III and Roberto Duke, Planner III, presented a multi-media presentation regarding the Rustic Roads Functional Master Plan Update. Further details can be found in the Staff Report dated January 19, 2023.

Work Session Number 2 included discussion of the following: continuation of Work Session Number 1 items, plan content and organization, and maintenance issues. The following list below was presented:

Patrick Butler, Division Chief of Upcounty Planning, entered into the Public Record a packet of correspondence received from the Rustic Roads Advisory Committee, in which the Board had originally only received the first page.

Continuation of Work Session Number 1:

Individual Road Recommendations

Awkard Lane - Kacy Rohn, Historic Preservation Planner II, gave an overview of the history of Awkard Lane. Staff does not feel a rustic designation is warranted for that part of the road. It meets some criteria but does not retain visual criteria, therefore staff recommendation is to retain the current Plan recommendation.

Commissioner Branson asked how many factors need to be met to characterize the roads, and if this road could have a designated historic marker if not designated as rustic.

Kacy Rohn offered comments and responses regarding the historic markers.

Laura Van Etten, Rustic Roads Advisory Committee (RRAC) Chair, offered comments to the Board regarding Awkard Lane.

Barbara Hoover, RRAC, offered comments regarding the criteria checklist for Awkard Lane.

The Board agreed to defer Awkard Lane to Work Session 3.

Holsey Road - Kacy Rohn, Historic Preservation Planner II, gave an overview of the history of Holsey Road. The current draft of the Master Plan recommends Holsey Road as a rustic road.

Staff recommended approval as the current configuration of the road and the long-range plans for the area are consistent with a rural designation. The Board agreed with staff's recommendation.

West Hunter Road - The Board recommended that Staff propose appropriate language to identify roadside vegetation on the south side of the road as a significant feature.

Staff recommended language stating "forested areas on both sides of the road east of Hillard Farm." The Board agreed with Staff's recommendation.

Individual Road Comments not Previously Discussed

Barnesville Road – Montgomery County Department of Transportation (MCDOT) suggested verification that Barnesville Road meets the requirement that it predominantly serves local traffic east of MD 109 (Old Hundred Road).

Staff recommended keeping the road in the program, and the Board agreed with staff's recommendation.

Kings Valley Road - The RRAC requested to change the wording of the significant feature from "historic alignment" to "historic alignment including a jog in the road at Kingstead Road."

Staff recommended to retain current text, but the Board agreed with RRAC's recommendation to incorporate the additional language.

Lewisdale Road - The RRAC asked that hedgerows be mentioned in the traveling experience section and shown on the map to the road's significant features.

Staff does not recommend adding these hedgerows as a significant feature of the road, and the Board agreed with Staff's recommendation.

Mount Carmel Cemetery Road - The RRAC requested that the Plan identify the mature trees along the south side of Mount Carmel Cemetery Road as a significant feature.

Staff would not recommend adding the trees as a significant feature; however, a majority of Board members agreed with RRAC that the trees were a significant feature.

Mouth of Monocacy Road - The RRAC recommended including the Little Monocacy Viaduct as a significant feature.

Staff recommended keeping the text as is and not listing the Little Monocacy Viaduct as significant.

The Board agreed with RRAC to identify Little Monocacy Viaduct as a significant feature.

Classification of Roads and Road Segments Being Removed

Concurrent with the writing of the Plan Update, Bill 24-22 (Complete Streets Design Guide) revised the county's road classifications. Roads and road segments being removed from the program need to be reclassified based on the bill. This is a technical revision to Table 13, "Other Road Classifications," on page 83 of the Master Plan.

To conform to the new street classifications, Planning staff recommended that the non-rustic road recommendations be updated, and the Board agreed with staff's recommendation.

Plan Content and Organization

Comments Received from Maryland Department of Planning

Maryland Department of Planning (MDP) suggests that the plan include a discussion of the 12 visions from Section 1-201 of the Land Use Article and to reference them as appropriate. MDP also suggests addressing two of the five planning elements that are relevant to the plan: a sensitive areas element and a transportation element.

Staff recommended to include applicable visions and to provide discussion within the "Related Plans, Programs, and Policies" section. Staff further noted the environmental section of each road profile provides information regarding sensitive areas and all rustic roads are included in the Master Plan of Highways and Transitways (MPoHT), in which this Plan update will amend that plan. The Board agreed with Staff's recommendation.

Road Profiles as Appendix or Plan Chapter

In response to comments, Staff recommended moving the road profiles from an appendix into the Plan as a chapter or as a second volume, as well as moving the Individual Road Recommendations section of the Plan Recommendations Chapter to an appendix. The Board agreed with Staff's recommendation.

Possible versus Feasible

There are several instances throughout the Master Plan where MCDOT has requested that "possible" be changed to "feasible." MCDOT's argument is that "possible" implies something that is generally unconstrained by physical or fiscal limitations, while "feasible" implies both physical and resource constraints. The RRAC objected to this language change in every instance, stating that in some cases the change would give MCDOT too much discretion in making decisions.

Planning Staff agreed with MCDOT and recommended that the term be changed to "feasible".

The Board agreed with RRAC to leave the wording as "possible".

Policy Recommendations

Two comments suggested the creation of a new “policy recommendations” section.

Staff recommend not to add a new Policy Section, and the Board agreed with Staff’s recommendation.

Road Characteristic: Lane Markings and Road Widths

MCDOT suggested that road profiles should note the number of lanes rather than lane markings which may change over time, and lane widths should be noted as tentative. The RRAC requested that the Plan retain the lane markings because they serve as a reference point for the road.

Planning Staff recommended to retain the current Plan text, and the Board agreed with Staff’s recommendation.

Photographs

The RRAC offered to work with Staff to identify better photos for the Plan, as well as to identify other exhibits, such as the old hand-drawn road plats from the county’s land records, that would add historic context to the road profiles.

Planning Staff intends to continue identifying suitable pictures and acquiring more as the Plan continues, and recommends historic exhibits be undertaken as a future limited master plan amendment. The Board agreed with Staff’s recommendation.

Significant Features

Staff recommended adding defining text to the Road Recommendations Chapter and add references regarding significant features in the Introduction Chapter. The Board agreed with Staff’s recommendation.

Implementation Chapter

Context Section - The RRAC asked that the second sentence of the Context section (page 85) of the “Implementation” chapter be deleted.

Staff recommends either rewording the first two sentences or removing the first two sentences. The Board agreed to remove the two sentences.

Traffic Calming Section - The RRAC asks that this section be rewritten to reflect that this is a county-wide problem and not a problem unique to rustic roads.

Staff recommended to rewrite the introductory sentence to highlight the County’s broader discussion of vehicular speed on roads and our Vision Zero efforts and add text referencing target

speed and speed controls as approved/amended by the County Council. The Board agreed with Staff's recommendation.

Historic Preservation Section – An individual from Heritage Montgomery suggested to move Historic Preservation recommendations to the top of the Plan. The Historic Preservation Commission (HPC) also suggested an audio tour version of the road descriptions be created because it would be more accessible to someone driving the roads than a printed plan document.

Staff recommended to retain the current Plan text at the end.

Chair Zyontz offered comments regarding historic preservation within Montgomery County, and suggested adding text to the Implementation section.

Rustic Road Maintenance Concerns

County Code and Executive Regulations

Staff recommended providing a new Plan recommendation that the Executive Regulations be amended to clarify that rustic roads are to receive the same level of maintenance as any other road in the County and updated to include other modes of transportation. The Board agreed with Staff's recommendation.

Maintenance and Improvement Section

Staff recommended revising the text with the suggested language from the Executive Regulations including all modes of transportation. Staff will also add language stating the importance of maintenance of rustic roads.

The Board asked for clarity regarding the language to be used, and what maintenance is done for roads that are both public and private. The Board agreed to include more inclusive language with regard to all modes of transportation and revisit once language for the Executive Regulations is provided.

Vegetation

Staff recommended to add a Master Plan recommendation that the Tree Trimming Guidelines be reviewed in a joint meeting between the RRAC, MCDOT, the Office of Agriculture, and other interested stakeholders to develop guidelines that can be incorporated into the Executive Regulations. Staff also recommended revising the Master Plan's recommendation to 18 feet to be consistent with the Tree Trimming Guidelines.

The Board agreed with Staff's recommendation.

Road Surfaces

Staff recommended the current proposal adequately addresses the concerns raised by residents regarding road surfaces, and MCDOT should determine what best practices should be used on rustic roads.

Richard Dorsey, MCDOT, offered comments regarding assessment of the roads and road classifications regardless of road type to determine the pavement management index.

The Board agreed with Staff's recommendation.

Drainage

RRAC proposed strengthening the Drainage Section by repeating the language from the 1996 RRFMP stating that drainage is the "single, most distinctive feature of the character of rustic roads.

Staff recommended no change to the Plan, and the Board agreed with Staff's recommendation.

Drainage Maintenance

Although Staff received comments from the farming community that drainage is insufficient on some rustic roads, Staff recommended no change to the Plan, and the Board agreed with staff's recommendation.

Bridges - Types of Historic Resources

Kacy Rohn offered comments regarding language clarification regarding the usage of historic wording.

Staff recommended removing the word "historic" as a descriptor for non-designated resources when there is a chance the term is ambiguous, such as when making recommendations on their preservation.

The Board suggested using the word historic in way that does not evoke regulatory regime of designation, potentially using a footnote, and adding clarifying language.

Bridges - The Secretary of the Interior's Standards

RRAC and individuals suggested incorporating the Secretary of the Interior's Standards for the Treatment of Historic Properties to strengthen the language around bridge preservation.

Staff recommended not to apply Secretary of the Interior's Standards to rustic roads or bridges, except where relevant, and the Board agreed with Staff's recommendation.

Bridges - Introductory Text

Staff recommended revising the introductory paragraph to provide clarity that all bridges along rustic roads are included, not just historic. The Board agreed with staff's recommendation.

Bridges - Reconstruct v. Rehabilitate

RRAC recommended using the term "preserve and rehabilitate" rather than "reconstruct" when referring to historic bridges.

Staff recommended rewording Plan recommendations 8 and 9 accordingly, and the Board agreed with Staff's recommendation.

Bridges - Funding and Design Exceptions

RRAC and Heritage Montgomery suggested referring to provisions in the 2021 Infrastructure Investment and Jobs Act for funding of historic bridge preservation and rehabilitation projects. MCDOT suggested clarification of the text to indicate that using a design that follows federal or state requirements is also possible.

Staff recommended changing the wording based on MCDOT's suggested language and the Board agreed but offered further revisions of the proposed language.

Bridges-New Recommendation

In response to Board comments at a prior work session, Staff recommended a new plan recommendation that states: "Amend Chapter 49 to clarify how a bridge on a rustic road should be preserved when maintenance is necessary regardless of whether the bridge has been identified as a significant feature."

The Board noted that it will continue its consideration of the Rustic Roads Functional Master Plan Update at Work Session 3.