

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED  
MINUTES AND SUMMARY

SUMMARY

**Thursday, March 23, 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, March 23, 2023, beginning at 11:03 a.m. and adjourned at 8:29 p.m.

Present were Chair Jeff Zyontz, and Commissioners Shawn Bartley, and James Hedrick.

Commissioner Pedoeem and Vice Chair Piñero were necessarily absent.

Items 1 through 6, Item 8, and Items 9 through 11 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for dinner at 4:31 p.m. and reconvened in the auditorium and via video conference at 6:17 p.m. to discuss Item 7 as reported in the attached Minutes.

There being no further business, the meeting was adjourned 8:29 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 30, 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. Preston Place Preliminary Plan No. 120220130 MCPB No. 23-016
2. Preston Place Site Plan No. 820220180 MCPB No. 23-017
3. 4824 Edgemoor Preliminary Plan 12020007A MCPB No. 23-021
4. 4824 Edgemoor Site Plan 82021004A MCPB No. 23-022

**BOARD ACTION**

**Motion:** Hedrick/Bartley  
**Vote:** 3-0  
**Other:** Vice Chair Piñero and Commissioner Pedoeem absent.  
**Action:** Adopted the Resolutions cited above, as submitted.

**B. Approval of Minutes**

1. Minutes for March 9, 2023

**BOARD ACTION**

**Motion:** Hedrick/Bartley  
**Vote:** 3-0  
**Other:** Vice Chair Piñero and Commissioner Pedoeem absent.  
**Action:** Approved the Planning Board Minutes for March 9, 2023.

2. Minutes for March 16, 2023

**BOARD ACTION**

**Motion:** Hedrick/Bartley  
**Vote:** 2-0-1  
**Other:** Chair Zyontz abstained. Vice Chair Piñero and Commissioner Pedoeem absent.  
**Action:** Approved the Planning Board Minutes for March 16, 2023.

### **C. Other Preliminary Matters**

#### **1. HB 1012 – Labor and Employment – Workers’ Compensation Claims – Fees for Legal Services**

D. Borden

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Received briefing followed by discussion.**

General Counsel Debra Borden gave an overview of bill HB 1012 which requires the Workers’ Compensation Commission (WCC) to order a fee of up to \$2,000 be paid for legal services rendered on behalf of a covered employee if no compensation is payable to the covered employee, but the covered employee is awarded a medical benefit at a hearing. WCC must order the fee to be paid by (1) the employer or its insurer; (2) a self-insured employer; or (3) the Uninsured Employers’ Fund (UEF).

Currently, the practice is the Employee’s Attorney must wait until the claim is finished and then the Attorney gets a percentage of the final Employee payment directly from the Employer, calculated based on the individual claim. The bill plans to add additional payments to the Plaintiff’s Attorney. Ms. Borden explained the concern is for the lack of guidelines and provisions within bill HB 1012 as to how the fee will be calculated and whether there is a limit to the number of times the \$2000 fee can be awarded in a claim. The effect of this bill will be to incentivize multiple hearings to secure an attorney’s fee rather than protecting the interests of the employees and maintaining the balance between the interests of employers and employees.

Lastly, this bill will also significantly expand Worker’s Compensation fees within the State and will impact public agencies including the Maryland-National Parks and Planning Commission.

The Board asked questions regarding similarities to what other states have implemented and if the bill is aimed to resolve Worker’s Compensation claims quicker.

Ms. Borden offered comments and responses to the Board’s questions.

#### **2. HB 819 – MC Off Street Parking**

D. Borden

#### **BOARD ACTION**

**Motion: Bartley/Hedrick**

**Vote: 2-1 (Commissioner Hedrick Nay)**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Approved letter of opposition to bill HB 819 specifically regarding parking close to Metro and Purple Line.**

General Counsel Debra Borden gave an overview of bill HB 819 which prohibits the Montgomery County District Council from adopting or enforcing a local law that requires the creation of new off-street parking for a residential development that is located within a certain distance of a present or planned Metro or Purple Line station; and generally relating to requirements for off-street parking for developments in Montgomery County.

The bill currently indicates “the District Council may not adopt or enforce a local law that requires the creation of new off-street parking or residential development that is located within a 0.25 mile radius of a present or planned metro or purple line station.” If enacted, this bill may create a gap in interpretation for developers and future projects within the Montgomery County. Since the Planning Board as part of its regulatory decision-making for residential projects may require a certain amount of parking, this bill makes no reference to or clarification on how the new law, if enacted would impact the Planning Board’s role.

Ms. Borden offered a recommendation to the Board to draft a letter of opposition to bill HB 819. Acting Planning Director, Tanya Stern proposed drafting a letter of opposition but also including the point that the Planning Board was in agreement with the premise of the bill overall which is less parking in developments around metro stations.

The Board held discussion regarding potential responses to bill HB 819. Chair Zyontz and Commissioner Bartley would note sympathy to the policy, but ultimately support a letter of opposition specifically regarding parking close to Metro and Purple Line stations. Commissioner Hedrick would support a letter of information rather than a stance of opposition.

Commissioner Bartley made a motion to draft a letter of opposition with a statement of general support for the policy and Commissioner Hedrick seconded with a final vote of 2-1, Chair Zyontz and Commissioner Bartley voting in favor of the letter of opposition, and Hedrick voting against.

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: There were no Record Plats submitted for approval.**

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

**Montgomery County Medical Center Sketch Plan No.320230010 and Preliminary Plan Amendment No. 11986115D Extension Request No. 1 - Request to extend the regulatory review period for the Sketch Plan and Preliminary Plan Amendment for 6 months, from March 2, 2023 to September 7, 2023.**

The Application proposes to re-subdivide the Property into 4 lots and three parcels; develop approximately 380,000 square feet of research and development uses; and construct a new structured parking garage; on approximately 40.71 acres of land zoned LSC-1.5 H-150T; located on Southeast quadrant intersection of Key West and Broschart Road; within the Great Seneca Science Corridor Master Plan.

*Staff recommendation: Approval of the Extension Request*

T. Leftwich

**Hillcrest Property, Preliminary Plan No. 120230010, Regulatory Review Extension Request No. 3 - Request to extend the regulatory review period for one month until April 30, 2023.**

Application to consolidate two parcels (P829 and P846) into one (1) lot for the construction of a 11,058 square foot medical office building; located at 18201 Hillcrest Ave in Olney; 0.59 acres; CRT 2.0 C-1.0 R-1.0 H-70 zone; 2005 Olney Master Plan.

*Staff Recommendation: Approval of the Extension Request*

A. Duprey

**BOARD ACTION**

**Motion:** Bartley/Hedrick

**Vote:** 3-0

**Other:** Vice Chair Piñero and Commissioner Pedoeem absent.

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

**Item 4. Roundtable Discussion**

Planning Director's Report  
T. Stern

**BOARD ACTION**

**Motion:**

**Vote:**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Received briefing.**

Acting Planning Director Tanya Stern offered a multi-media presentation highlighting matters the Planning Department has been working on recently.

Acting Director Stern began by giving an overview of the recent media coverage the Pedestrian Master Plan has received. This coverage consisted of local networks including WTOP, NBC4, WUSA9 and Univision as well as an opinion article published by Greater Greater Washington. The Planning Department also invested in English and Spanish digital advertising to engage more audiences for the Pedestrian Master Plan which were served to mobile devices, streaming audio, and social media. Acting Director Stern was happy to report that the targeted ads on social media alone have reached 168,448 people with 35,493 engagements (clicks of links, comments, and likes) to date.

Acting Director Stern then highlighted Midcounty Planner Luis Estrada who was recently interviewed on County Cable Montgomery for Montgomery al Dia, its Spanish language public affairs show regarding the University Corridor Plan Engagement.

The marketing for the Fairland and Briggs Chaney Plan advertising was noted, and currently it can be seen on bus transit and bus shelters throughout the County.

Acting Director Stern also spoke on the No Net Loss of Forest Amendments bill which was expedited to ensure the County's approach to No Net Loss will take precedent over the pending State bill's approach. Acting Director Stern noted the excellent work done on the No Net Loss of Forest Amendments bill, which was unanimously passed by the County Council.

Lastly, Acting Director Stern spoke about the Planning Department's upcoming discussion with the County Council regarding sub-level housing targets in the County. Chief of Countywide Planning & Policy Jason Sartori, and Housing Planner Lisa Govoni will join the Planning, Housing & Parks Committee for a discussion on March 27, 2023, about refining the County's housing targets to sub-county level geographies, as was done in Washington, D.C. This type of effort will help Planning to be more strategic and identify potential strategies and tactics in different parts of the County as housing needs are not the same in all parts of the County. Acting Director Stern further noted this type of effort also supports Thrive Montgomery 2050's goal of providing housing for all.

**Item 12. Briefing: County Executive’s Recommended Biennial FY23-28 Capital Improvements Program and FY24 Capital Budget for the Department of Parks**

*Staff Recommendation: Transmit response to County Executive request for an additional affordability reduction to the Biennial FY23-28 CIP to the County Council.*

R. Peele

**BOARD ACTION**

**Motion: Hedrick/Bartley**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Approved staff recommendation for approval to transmit response to the County Executive’s request for an additional affordability reduction to the Biennial FY23-28 CIP to the County Council in a transmittal letter to be drafted at a later date.**

Ron Peele, CIP Budget Manager, offered a multi-media presentation regarding the County Executive’s request for an additional affordability reduction to Montgomery Parks Biennial FY23-28 CIP.

The County Council requested all departments affected by the County Executive’s revised affordability measure submit responses by March 31, 2023. The Parks Department reviewed this additional requested funding reduction and found it even more challenging to absorb the cuts without impacting intended work programs. However, to remain as responsive as possible, the cuts will be applied to the Project Description Form (PDF), Legacy Open Space (PDF P018710), which was identified and chosen January 17, 2023, in response to the County Executive’s first request. The funding has been shifted into the Beyond Six Years (BSY) to balance the FY23-28 CIP with the Affordability PDF.

The impact of this reduction constrains funding available for land acquisition, may reduce Parks’ ability to execute acquisition transactions as opportunities arise; may require Parks to request a future Supplemental Appropriation, and delay implementation of a program that preserves the best remaining open spaces in the County and has protected over 3,850 acres to date.

The Board asked questions regarding approximate amount replaced with Legislative Bond Initiatives and potential outreach to the County Executive’s office to express impact of funding reductions.

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



**Item 5. FY24 Operating Budget Discussion on the County Executive Recommendation – Overview**

J. Kroll

**BOARD ACTION**

**Motion:**

**Vote:**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Received briefing followed by discussion.**

John Kroll offered a multi-media presentation regarding the County Executive’s recommendation for the FY24 Operating Budget.

Mr. Kroll explained the total reduction proposed by the County Executive’s recommendation totaled \$6.9 million. Mr. Kroll noted the proposed bi-county (Montgomery and Prince George Counties) amounts and budgets will be determined by the respective County Councils meetings in May.

The Board asked questions regarding the reasoning behind the County Executive’s budget cuts.

Chair Zyontz and Staff offered responses and comments.

**Item 6. 7340 Wisconsin Avenue, Sketch Plan Amendment No. 32020001A, Preliminary Plan Amendment No. 11994080C, and Site Plan No. 820230010 (Continued Public Hearing)**

A. Sketch Plan No. 32020001A – Request to amend previous approved uses senior living and commercial to multi-family residential and commercial, to redistribute density between uses, to revise the public benefit schedule, and to revise plans to reflect an updated design; located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

B. Preliminary Plan No. 11994080C – Request to amend the previous approval to allow for a maximum of 315,500 square feet of development density, to include 306,849 square feet of multi-family residential density use, consisting of no more than 308 multi-family dwelling units, and including up to 8,651 square feet of commercial use and Live/Work Units; located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

C. Site Plan No. 820230010 -- Request to develop a 250-foot tall, 315,500 square-foot mixed-use building comprised of 306,849 square feet of residential uses for a maximum of 308 units with 15 percent MPDUs, and 8,651 square feet of commercial uses, with 142,475 square feet of Bethesda Overlay Zone (BOZ) density and associated PIP payment. located at the northwest quadrant of the intersection of Hampden Lane and Wisconsin Avenue; zoned CR-5.0 C-5.0 R-4.75 H-250 and Bethesda Overlay Zone; 2017 Bethesda Downtown Sector Plan.

*Staff recommendation: Approval with Conditions*

A. Bossi/G. Bogdan

**A. BOARD ACTION**

**Motion: Hedrick/ Bartley**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**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. BOARD ACTION**

**Motion: Hedrick/ Bartley**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**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.**

**C. BOARD ACTION**

**Motion: Hedrick/ Bartley**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**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.**

Adam Bossi, Planner III, presented a multi-media presentation regarding 7340 Wisconsin Avenue. Further information can be found in the Staff Report dated February 6, 2023.

The Property is a recorded lot known as Lot 8, Block 24C in the Edgemoor Subdivision, and has frontage on three roadways including Montgomery Lane to the north, Hampden Lane to the south, and Wisconsin Avenue to the west. There are three existing curb cuts for accessing the Site, one from each of these roadways. Existing development on the Site is limited to a single-story, 1,596 square-foot commercial building and paved area associated with a former gas station which ceased operation approximately 10 years ago. The Site has been fenced-off and not actively used since. The Site is within the Bethesda Urban District and Parking Lot District.

The Project proposes one building, 250 feet in height, with 308 multifamily dwelling units, including 15 percent MPDUs, indoor and rooftop recreational amenity spaces, and internal loading facilities and subsurface parking. The location and design of the residential lobby and retail areas, including the incorporation of ample fenestration, will improve activation of the pedestrian realm on all three street frontages. Residential uses, Live/Work Units and associated amenities will occupy the remaining floors of the building.

Patricia Harris of Lerch, Early & Brewer offered comments on behalf of the Applicant.

The Board asked questions regarding reasoning for previous plans not moving forward, wind tunnel effect for balconies due to proximity of tower separation, potential for further setback, the building's pinwheel design, and the advantage of processing all three plans at one time.

Staff including Acting Planning Director Tanya Stern and Downcounty Planning Chief Elza Hisel-McCoy offered responses and comments to the Board's questions.

Andy Czajkowski of SK+I Architecture, offered comments and responses on behalf of the Applicant team regarding the tower separation and balconies, as well as offering multi-media slides portraying the building's pinwheel design.

**Item 8. Seneca Place, Site Plan Amendment No. 81982008A (Public Hearing)**

Request to construct a 1,980 sq. ft. maintenance building as an accessory use to support the needs of the existing residential community; west of the intersection of Wisteria Drive and Great Seneca Highway (MD 119); 0.24 acres (amendment area); CR-1.0, C-0.25, R-0.75, H-90 (reviewed under the RMX-1 standards); 2019 MARC Rail Communities Section Plan.

*Staff Recommendation: Approval with Conditions*

R. Sigworth

**BOARD ACTION**

**Motion:** Hedrick/Bartley

**Vote:** 3-0

**Other:** Vice Chair Piñero and Commissioner Pedoeem absent.

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

Ryan Sigworth AICP, Planner II, presented a multi-media presentation regarding Seneca Place. Further information can be found in the Staff Report dated March 9, 2023.

The Amendment Application proposes a 30 by 60-foot maintenance building as an accessory use to support the needs of the existing residential community. The Application covers only 0.24 acres of the 40.05-acre tract of the Gunners Lake Village development.

The overall property is located within the *2019 MARC Rail Communities Sector Plan*, and currently improved with a multi-family residential complex consisting of 468 dwelling units. The Subject Property is surrounded on all sides by the existing multi-family development, and contains no forest, specimen trees, wetlands, or streams. The structure and use are compatible with other uses and other site plans, and with existing and proposed adjacent development. The approved Forest Conservation Exemption meets all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines.

The Board asked questions regarding the style and façade of the building and potential building restrictions to limit additional residential space.

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

**Item 9. Rental Housing Bills**

Staff will brief the Planning Board on two rental housing bills.

A. Bill 15-23, Landlord-Tenant Relations – Anti Rent Gouging Protections would prevent rent-gouging in the County. In general, annual rent increases in excess of the sum of local annual CPI-U plus 8 percent would be prohibited.

B. Bill 16-23, Landlord-Tenant Relations – Rent Stabilization (The HOME Act) would generally prohibit a landlord of a rental dwelling unit from increasing a tenant’s rent more than the maximum allowed. Under Bill 16-23, the maximum allowance for a rent increase is up to 3% or the rental component of the Consumer Price Index (CPI) percentage, whichever is lower.

*Staff Recommendation: Brief the Planning Board and transmit comments to the County Council for the public hearing on 3/28/23*

L. Govoni

**BOARD ACTION**

**Motion:**

**Vote:**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Approved staff recommendation by consensus for approval to transmit comments to the County Council, as stated in a transmittal letter to be prepared at a later date.**

Lisa Govoni, Housing Planner IV, presented a multi-media presentation regarding Bill 15-23 and Bill 16-23. Further information can be found in the Staff Reports dated March 7, 2023.

Ms. Govoni discussed the previous legislation regarding rent stabilization and rent control, the St. Paul, Minnesota case study, and the economic impact analysis of rent stabilization laws in Montgomery County performed by the Office of Legislative Oversight (OLO).

Ms. Govoni stated the purpose of Bill 15-23 is to prevent rent-gouging in the County. Bill 15-23 would: establish protections against rent increases above a threshold for certain rental units; set the base rental amount for certain rental units; provide exemptions from rental increase restrictions for certain units; permit rental increases in order to fund certain capital improvements; require landlords to submit annual reports regarding rents; and generally, amend County law concerning rents and landlord-tenant relations.

Ms. Govoni noted Planning staff supports the intent of Bill 15-23 to prevent rent-gouging in the County, but recommended that the fixed portion of the cap could be lowered to 5-7 percent, and further provide an additional exemption for small apartment buildings with less than 10 units.

Ms. Govoni then gave an overview of Bill 16-23, which would generally prohibit a landlord of a rental dwelling unit from increasing a tenant’s rent more than the maximum allowed. Under Bill 16-23, the maximum allowance for a rent increase is up to 3 percent or the rental component of

the Consumer Price Index (CPI) percentage, whichever is lower. Bill 16-23 would: establish an annual maximum rent increase for rental housing in the County; provide exemptions for certain buildings from rent stabilization requirements; permit a landlord to submit a petition for a fair rent increase; establish an excise tax for vacant rental units; specify the use of certain tax revenues for the acquisition of affordable housing; and generally amend County law concerning rent increase, landlord-tenant relations, and taxation.

Ms. Govoni noted Planning staff does not support Bill 16-23 as written and would recommend several amendments to the bill. In summary, Planning staff recommends:

- Modify the allowable rent increase to include a fixed percentage (in the 5-7% range) in addition to the annual Consumer Price Index-U rate (instead of just the rental component of the CPI).
- Exempt small buildings with less than 10 units.
- Exempt “DHCA equivalent affordable units and Workforce Housing Units” along with MPDUs.
- Exempt both rental projects with affordable housing and new development without requiring an application.
- Extend the exemption for new development from 10 years to 15 years.
- Allow “troubled properties” to be eligible for fair returns petitions to increase rent with the ability to roll back the petition if the expenses for repairs, services, or maintenance are never performed.
- Identify a process that clearly allows a landlord to receive the fair return if certain conditions are met.
- Exempt vacant units from the rent cap.
- Eliminate the rental housing vacancy tax.

The Board asked questions regarding calculation for the CPI, other jurisdictions within the region enacting similar rent stabilization bills, the amount of small building rental stock being 10 units or less, the potential breakdown of rent turnover with 5 percent rental vacancy, if vacancy tax is meant to increase supply of rentals and decrease vacancy rate, and which bill is more favorable to Thrive Montgomery 2050 goals.

The Board offered further comments regarding 10 or more single-family homes used as rentals for corporate entities, the inclusion of single-family homes for the small building exemption, and the exemption period for new rental units.

Staff including Acting Director Tanya Stern offered comments and responses to the Board.

The Board agreed by consensus to provide one transmittal letter to County Council with one overall recommendation consistent with staff’s recommendations between the two bills specifically raising the issue regarding corporate entities renting out single-family homes.

**Item 10. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments – County Executive’s AD 2023-2 Administrative Amendment Group – Four Water/Sewer Service Category Change requests.**

*Staff Recommendation: Transmit Comments to County Executive*  
K. Nelson

**BOARD ACTION**

**Motion: Hedrick/Bartley**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Approved staff recommendation for approval to transmit comments to the County Executive, as stated in a transmittal letter to be prepared at a later date.**

Katherine Nelson, Planner Coordinator, presented a multi-media presentation regarding four Water/Sewer Service Category Change requests. Further information can be found in the Staff Report dated March 14, 2023.

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

**WSSCCR 23-DAM-02A:** Zoor, LLC - The Applicant has requested approval of sewer category S-1 to allow for public sewer service for the proposed 30 townhouse dwelling units. This property is 2.71 acres in size, zoned CRT-1.0, and is located within the County’s planned public sewer service envelope. This property is within the 2006 Damascus Master Plan water and sewer envelope and is also eligible for sewer service.

*Staff Recommendation: Approve S-3*

**WSSCCR 23-LSN-01G:** Maryland- National Capital Park and Planning Commission - The subject properties are within the 1980 Preservation of Agriculture and Rural Open Space Functional Master Plan area and just outside the 1989 Germantown Master Plan boundary. The properties have recently been acquired by the Department of Parks to become part of South Germantown Recreational Park and developed as a cricket field. The 644- acre Park straddles the boundary of the two master plans and is part of the Germantown greenbelt. Both water and sewer service have been extended to the park. In previous requests for service to these properties, the Planning Board determined that service would be inconsistent with master plan recommendations due to the high-density housing and institutional uses being proposed. In this case, with the annexation of the properties into the existing park, development in the traditional sense is not anticipated. Allowing “selective and limited expansion of public water and sewer service will support and help implement the preservation recommendations expressed in this Plan”. The provision of water service to these properties will not in encroach on the goals of the Agriculture and Rural Open Space Functional Master Plan.

*Staff Recommendation: Approve W-3*

**WSSCCR 23-POT-02A:** Florence Richman - The Applicant has requested approval of sewer category S-1 to allow for public sewer service for the relief of a failed septic system. The property is 1.25 acres in size, and in the R-200 zone. The property is located within the planned public sewer service envelope and is eligible for sewer service.

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*Staff Recommendation: Approve S-1*

**WSCCR 23-POT-03A:** Dallen Russell and Katiana Cokinos - The Applicant has requested approval of sewer category S-3 to allow for public sewer service for the renovation of an existing home, and construction of an Accessory Dwelling Unit (ADU). The property is 1.11 acres in size, and in the R200 zone. The property is located within the planned public sewer service envelope and is eligible for sewer service.

*Staff Recommendation: Approve S-3*

The Board asked questions regarding Germantown Recreational Park's conformance to the Master Plan due to the adjacent high-density housing, and Staff offered comments and responses.



**Item 11. Fairland and Briggs Chaney Master Plan Working Draft Presentation**

*Staff Recommendation: Approve the Working Draft of the Fairland and Briggs Chaney Master Plan as the Public Hearing Draft and schedule the Public Hearing date.*

M. Jackson/C. Larson

**BOARD ACTION**

**Motion: Hedrick/Bartley**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Approved staff recommendation for approval of the Working Draft of the Fairland and Briggs Chaney Master Plan as the Public Hearing Draft with modifications discussed during the meeting.**

**BOARD ACTION**

**Motion: Bartley/Hedrick**

**Vote: 3-0**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Approved staff recommendation for approval to set the Public Hearing date for May 4, 2023.**

Patrick Butler, Upcounty Planning Division Chief, gave an overview of the background of the Fairland and Briggs Chaney Master Plan Working Draft and timeline of next steps for the Plan.

Clark Larson, Planner III, presented a multi-media presentation regarding the Fairland and Briggs Chaney Master Plan Working Draft. Further information can be found in the Staff Report dated March 16, 2023.

The Fairland and Briggs Chaney Master Plan is a corridor-focused amendment to the *1997 Fairland Master Plan* that seeks to establish a renewed vision for a portion of Columbia Pike (U.S. 29) over the next 10 to 20 years. The Plan embraces a future for this corridor as a more complete, equitable, transit-oriented, and compact community.

Mr. Larson provided a plan update regarding the current phase, as well as highlighted the community outreach and engagement that has happened thus far. To date, there have been six visioning workshops including roughly 100 participants which took place between June 2022 and July 2022. Some key takeaways from the community outreach effort include a more active lively environment, safer pedestrian and bikeway connections, better access to Bus Rapid Transit (BRT), speeding on arterial roads, support for more housing units and types, available for a range of prices.

Don Ziegler, Upcounty Planning Supervisor, highlighted the Fairland and Briggs Chaney Placemaking Festival previously held on October 21 and 22, 2022, noting general community input stated the need for community gathering spaces, need for better connections between parks, strong desire for art, and more consistent collaboration for the community.

Mr. Larsen noted the five key recommendations of the Plan listed below:

1. Establish Community Gateways and Activity Centers as compact, mixed-use centers focused on frequent transit service, safe pedestrian movement, expanded housing and shopping choices, greater tree canopy and ‘cool’ surfaces at summer hot spots, attractive community gathering spaces, and cultural and historic landmarks.
2. Prioritize U.S. 29 (Columbia Pike) as a ‘transit-first’ corridor that provides frequent and convenient regional connections from the plan area to Silver Spring, Washington D.C., and Howard County.
3. Complete a continuous network of trails and paths connecting Activity Centers, neighborhoods, parks, and community facilities, both within and beyond the Master Plan Area.
4. Establish a Resilience Hub in East county as a community center for daily community needs and a destination for reliable electricity, water, temporary shelter, food, indoor heating and cooling, social services, and fellowship during public emergencies.
5. Support a healthy community food system that includes healthy grocery and dining destinations, farmers’ markets, community gardens, and an Agricultural-Technology Park for education, research, and demonstration.

Mr. Larsen further discussed the Plan recommendations for land use, concept framework, zoning, and housing within the Plan area which included but not limited to: emphasizing compact, high-density mixed-use development at community gateways, park-and-ride lots, and Activity Centers; promoting context-sensitive infill development at bus station park and ride lots; and adding housing units and types for a diversity of incomes and households, including families, seniors, and persons with disabilities.

Chris Van Alstyne, Planner III, gave an overview and discussed the Plan recommendations pertaining to transportation, safety, neighborhood barriers, transit that is hard to access, Complete Streets Design Guide, enhancing BRT, and prioritization of bicycle and pedestrian network throughout the Plan area.

Mr. Larsen discussed the Community Health and Culture recommendations including but not limited to: conducting a food study; promoting green job opportunities; and establish a pilot program for community education and engagement in the planning process.

Rachel Newhouse, Planner III, Park Planning and Stewardship, discussed the Parks and Public Open Space recommendations including but not limited to: conducting a bi-county park study to enhance Fairland Recreation Park and Fairland Regional Park; need to establish a network of public open spaces that provide a variety of social gathering spaces, recreational amenities, and environmental stewardship; and implementing Climate Action Plan recommendations for parkland and open space, including installation of electric vehicle charging stations, solar energy generation, new community gardens, and enhanced forest, meadows and wetlands.

Mr. Larsen then discussed the environmental recommendations which included: reducing the “urban heat island” effect; increasing tree canopy; converting impervious surfaces and hardscapes to micro-infiltration areas.

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The Master Plan Districts and activity areas for the Plan area were discussed as well as both long- and short-term visions for improvements.

Lastly, Mr. Larsen discussed the Plan implementation and next steps.

The Board asked questions regarding specific recommendations made for missing middle type housing, travel and employment forecast, inclusion of the auto mall within zoning, potential simplification of zoning, ensuring housing for displaced residents, residential access to Parks standards within the area, and the timeline of the Plan becoming physically viable.

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

The Board made further recommendations to move a section on page 54, paragraph 2 noting goals outside scope of the Master Plan to an appendix, and change language "ensure" to reflect what is intended.

**Item 7. Pedestrian Master Plan Public Hearing**

*Staff Recommendation: Listen to public testimony about the Pedestrian Master Plan*  
E. Glazier

**BOARD ACTION**

**Motion:**

**Vote:**

**Other: Vice Chair Piñero and Commissioner Pedoeem absent.**

**Action: Received public testimony. Approved motion by consensus to keep the Public Record open until April 6, 2023 to receive additional testimony.**

The Public Hearing began at 6:17 p.m. Eli Glazier, Transportation Planner III, read a statement entering items into the Public Record, and gave a recommendation to keep the Public Record open until April 6, 2023 at 5 p.m. for additional written testimony to be submitted to the Planning Board. The first work session is tentatively scheduled for April 13, 2023. Further information can be found in the Staff Report dated March 16, 2023.

The following individuals offered testimony:

**In Person:**

Nathan Engle (Government Official - Town of Kensington)

Alison Gillespie (Individual)

Lauren Saunders (Individual)

Patricia Mulready (Individual)

Benjamin Ross (Individual)

Jordan Day (Individual)

Ruth Robbins (Friends of Chevy Chase)

Helen Heinrich (Individual)

David Heller (Sligo Park Hills Community Association)

Doug Scott (Individual)

Lee Keiser (Individual)

Michael Heyl (Byeforde Rock Creek Highlands Citizens Association)

Jerry Garson (Montgomery County Civic Federation, Inc.)

Patrick Sheehan (President, National Capital Area Chapter of the American Council of the Blind of Maryland)

Kristy Daphnis (Montgomery County Pedestrian, Bicycle, and Traffic Safety Advisory Committee)

David Woodward (Individual)

Ralph Bennett (Purple Line Now)

Ben Laurenson (Climate Action Plan Coalition)

**Virtual via Teams:**

Kimblynn Persaud (Individual)  
Robert Gross (Montgomery Square Citizen Association)  
Amy Frieder (Action Committee for Transit)  
Carrie Kisicki (Coalition for Smarter Growth)  
Seth Grimes (Washington Area Bicyclist Association)  
Anne Tulkin (Individual)  
Sanjida Rangwala (Individual)  
Jane Lyons-Raeder (Individual)  
Kelly Banuls (Individual)  
Anna Priddy (Individual)  
Bruce Schwalm (Individual)  
Gael Cheek (Individual)  
Jen Hawse (Individual)  
Megan Brown (Individual)  
John Devine (Individual)  
Meg Weinshenker (Individual)  
Marybeth Cleveland (Individual)  
Jamie Herr (Individual)

Patricia Mulready presented a multi-media presentation and Ruth Robbins presented a drawing with her testimony.

The Board asked for further information regarding pedestrian HAWK signals and Staff offered comments and responses.

The Public Hearing ended at 8:29 p.m.