

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, December 7, 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, December 7, 2023, beginning at 9:04 a.m. and adjourning at 5:12 p.m.

Present were Chair Artie Harris, Vice Chair Mitra Pedoeem, and Commissioners Shawn Bartley, James Hedrick and Josh Linden.

Items 1 through 7 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed for lunch and convened in Closed Session at 12:41 p.m. to discuss Item 8 on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem with Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden voting in favor of the motion. The meeting was closed under the authority of Annotated Code of Maryland, General Provisions Article § 3-305(b)(7) & (8), to consult with counsel to obtain legal advice; and, consult with staff, consultants, or other individuals about pending or potential litigation.

Also present for the meeting was Senior Counsel Matthew Mills, Principal Counsel Emily Vaias, and Technical Writer Rachel Roehrich of the Office of General Counsel.

In Closed Session, the Board held discussion regarding pending or potential litigation. The Closed Session began at 12:53 p.m. and ended at 1:32 p.m.

The Planning Board reconvened in the auditorium and via video conference to return to open session at 1:51 p.m. to discuss Item 9 and Items 11 through 14 as reported in the attached Minutes.

Item 10 was postponed until January 11, 2024.

There being no further business, the meeting adjourned at 5:12 p.m. The next regular meeting of the Planning Board will be held on Thursday, December 14, 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. Olney Theatre Site Plan No. 82001022E MCPB No. 23-114
2. Olney Theatre Forest Conservation Plan No. F2023004A – MCPB No. 23-115

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 4-0-1
Other: Commissioner Bartley abstained due to being absent.
Action: Adopted the Resolutions cited above, as submitted.

3. HBKY Metmiq Ethiopian Orthodox Tewahedo Church Preliminary Plan No. 120230080 – MCPB. No. 23-128
4. HBKY Metmiq Ethiopian Orthodox Tewahedo Church Forest Conservation No. F20230140 – MCPB No. 23-129

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 5-0
Other:
Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes for November 9, 2023
2. Closed Session Minutes for November 9, 2023

BOARD ACTION

Motion: Hedrick/Pedoeem
Vote: 5-0
Other:
Action: Approved Planning Board Meeting Minutes of November 9, 2023 and the Closed Session Minutes for November 9, 2023, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:
Vote:
Other:
Action: There were no Other Preliminary Matters.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220200920, E. Brooke Lee's Addition to Silver Spring

CR zone; 1 lot; located on the east side of Ramsey Avenue, approximately 200 feet south of Wayne Avenue; Silver Spring Downtown and Adjacent Communities Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Record Plat cited above, as submitted.

Item 3. Regulatory Extension Requests (Public Hearing)

Calverton: Administrative Preliminary Plan No. 620230140, Regulatory Review Extension Request No. 1 - Request to extend the regulatory review period from December 7, 2023 to March 14, 2024.

Application to create a three-lot subdivision for three single-family detached units; located at 3100 Fairland Road; 0.97 acres; R-90 2 zone, 1997 Fairland Master Plan.

Staff Recommendation: Approval of the extension request

P. Estes

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 4. Roundtable Discussion

Parks Director's Report
M. Riley

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Montgomery Parks Director Mike Riley offered a multi-media presentation highlighting some recent events for the Parks Department.

Mr. Riley began the Director's Report by showing a picture of Casey Middleton, Light Show Supervisor at Brookside Gardens, installing lights for the Garden of Lights show at Brookside Gardens which is currently running until December 31, 2023. Mr. Riley noted the cost to enter Garden of Lights is \$10 per person and is more affordable than other light displays in the area. Mr. Riley spoke about the Silver Spring Thanksgiving Parade that took place on November 19, 2023, and the Holiday Barket at Cabin John Regional Park. Mr. Riley stated over 1,000 people and 300 dogs attended the Holiday Barket, which took place the same time as the Silver Spring Thanksgiving Parade, and attendees enjoyed shopping, music, food, and activities for both people and animals.

Mr. Riley noted several awards ceremonies that have taken place since the last Park's Director's Report including the Internal Staff Awards, the Service Awards, GIS Day Awards, Innovate Moco Awards, the Vismara Awards, and the ADA Awards.

Hillandale Local Park recently had a ribbon cutting on November 4, 2023, and Mr. Riley described the upgrades to the park and the Commissioners who attended the ribbon cutting as well.

Mr. Riley highlighted upcoming events throughout December and January including the Urban Wood Sale at Green Farm and upcoming Summer Camp Registration opening on January 16, 2024.

Lastly, Mr. Riley spoke about public restrooms within Montgomery County parks highlighting the Throne Bathroom at Flower Avenue Park. Mr. Riley noted the Park Planning and Stewardship Division is beginning to undergo a bathroom study as people have demonstrated a want/need for bathrooms in parks. Mr. Riley stated the Throne Bathroom is a pilot program and it is solar powered, accessed by a smartphone, and touchless once inside. Mr. Riley then showed a short video of the inside of the Throne Bathroom.

The Board asked if the Throne Bathroom was connected to water/sewer and what happens to any left-over wood from the Urban Wood Sale. Director Riley offered comments and responses.

Item 5. In Response to a Forest Conservation Law Violation; Forest Conservation Plan Amendment F20230260, Jeffrey Kozero & Laura Reiff Property, 17604 Hollingsworth Drive, Derwood, MD 20855 (Public Hearing)

Request to convert 0.10 acres of existing Category I Forest Conservation Easement to Category II and mitigate onsite with supplemental plantings and the creation of an additional 0.40 acres of new Category I Forest Conservation. Rock Creek Vista, Lot 29; RE-2 Zone, 2.98 acres +/-, Upper Rock Creek Master Plan.

Staff Recommendation: Approval with Conditions
M. Sharp

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 4-0-1

Other: Commissioner Bartley abstained.

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

Christina Sorrento, Chief of the Intake and Regulatory Division, gave a brief overview of the of the forest conservation violation, and noted the Planning Board needs to approve any removal or change to conservation easements.

Michael Sharp, Forest Conservation Inspector, offered a multi-media presentation regarding the Forest Conservation Law Violation for Jeffrey Kozero & Laura Reiff Property, 17604 Hollingsworth Drive, Derwood, MD 20855. Further information can be found in the Staff Report dated November 23, 2023.

Mr. Sharp described the property, vicinity and previous approvals. Mr. Sharp stated the Applicants, Ms. Reiff and Mr. Kozero, purchased the home in 2009. Planning Department inspection records show that Mr. Kozero met with a former inspector in November of 2010 while assisting a neighbor in resolving an unrelated easement violation. Mr. Kozero was directed to cease mowing and leaf removal within his part of the easement to allow the area to naturalize. A pool and patio were then built in 2010-2011 without apparent easement encroachments. By early 2014, according to satellite imagery, an accessory pool house and fenced enclosure were added, which encroach an estimated 250 square feet into the easement. In 2019 a covered deck/pavilion and walkway were added to rear of the pool patio, adding about 1,000 square feet to the encroachment into the easement. In 2020 a wooden play structure covering about 500 sq. ft. was built in the easement to the west of the pool house. Mr. Sharp noted the Easement Agreement, recorded at Liber 13178, Folio 412, explicitly prohibits mowing, construction, erection of any building or structural improvements.

Mr. Sharp stated the Applicant proposes to resolve the violation case with the submitted Forest Conservation Plan Amendment which requests modifications to the existing Category I Easement to allow the pavilion, pool house, and associated walkway to remain as built, while removing the play fort from the easement. The proposed modification converts 0.10-acres of the existing on-site

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1.09-acre Category 1 Easement at the rear, southwest side of the property, to a Category II conservation easement. This preserves tree canopy and other benefits associated with mature trees while providing perpetual protections to restrict other disturbances to the stream buffer.

The Amendment also proposes recording a new on-site 0.40-acre Category 1 easement. The new easement adjoins an existing on-site easement and protects a deeply cut ephemeral channel leading to Rock Creek, comparable in environmental value to the area proposed for modification to Category II. Additionally, a total of 0.71-acres of onsite supplemental planting is proposed to mitigate for mowing and to enhance the resulting easements.

Mr. Sharp described the proposed reconfiguration as described above, and stated the enhancement plantings will include 71 trees, 24 shrubs, and an herbaceous layer of native woodland vegetation. A financial surety bond and 5-year maintenance agreement will also assure successful establishment of the enhancements.

The Board asked questions regarding how the encroachment happened, inclusion of conservation on plats, accommodation of violation, if the violation was accidental or purposeful encroachment, and clarification as to the mowing.

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

Jeffery Kozero, the property owner and Applicant, offered comments and responses regarding how the encroachment happened and noted the encroachment was not premeditated.

The Board offered further comments regarding the County's need to make requirements known and requested further discussion with Staff regarding future noticing.

Item 6. Great Seneca Plan: Connecting Life and Science Preliminary Recommendations

Staff Recommendation: Staff will brief the Planning Board on the Great Seneca Plan: Connecting Life and Science, including the Plan's organization and preliminary recommendations for the built, social, natural, and economic environment, as well as plan implementation.

M. Hill

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Maren Hill, Planner III, offered a multi-media presentation regarding the Preliminary Recommendations for the great Seneca Plan: Connecting Life and Science. Further information can be found in the Staff Report dated December 1, 2023.

Ms. Hill explained the Plan timeline and milestones to date. Ms. Hill stated the Plan Area consists of roughly 4,300 acres of land bordering the Intercounty Connector (ICC) and MD 355, as well as being adjacent to the MARC Brunswick Line. The Plan area is non-contiguous and dispersed among municipalities including several distinct geographic areas such as: the Life Sciences Center, National Institute of Standards and Technology (NIST) and Londonderry-Hoyles Addition, Rosemont, Oakmont, Walnut Hill, Washingtonian Light Industrial Park, Washingtonian Residential, and Hi Wood.

Ms. Hill noted the Plan seeks to focus predominantly on the Life Sciences Center (LSC), a major economic and employment hub for the County, as this area has continued to deliver life science and residential development, but has faced barriers to growth, accessibility, and equity. Ms. Hill noted the Great Seneca Plan's purpose seeks to address these barriers and transform this area into a high-quality destination for people who are working, living, studying, and visiting.

Ms. Hill described the demographics of the Plan area and noted the rental housing rates in the LSC are higher than both the County and Plan Area due to the newer nature of the product being built in the district, but Londonderry rents are lower than the County and Plan Area due to the older age of the buildings, and the large amount of income-restricted affordable housing in the district.

Ms. Hill discussed the community outreach and engagement, and stated the preliminary recommendations were developed through an iterative process between Planning Staff, community members, property owners, and institutional and agency partners, among others. Ms. Hill noted the preliminary recommendations are organized in the themes of the built, social, natural, and economic environments, and represent a balance between best practices and professional expertise, data analysis and modeling, and the lived experience and desires of the community.

At this time, Ms. Hill continued by discussing the vision and recommendations for the different geographic areas within the Plan area as listed below.

Life Sciences Center

Ms. Hill stated the vision for the LSC is to remain a thriving economic hub, home to diverse population and host to growing medical, educational and life sciences institutions and companies; become a complete community with a range of land uses, jobs, housing options, safe, accessible, and reliable transportation infrastructure, services, and amenities; transform roadways from barriers to vital elements of the public realm; and strengthen the economic competitiveness of the LSC as an epicenter of innovation, accessible for all who live, work, and visit the area.

Preliminary recommendations were discussed for the built environment, transportation infrastructure, opportunity sites, social environment, Key West Avenue, natural environment, economic environment, and implementation.

Rebecca Ballo, Historic Preservation Supervisor, offered comments regarding the Belward Farm property as a potential opportunity site. The Board asked questions regarding the number of buildings currently on the Belward Campus, and Ms. Ballo offered comments and responses.

NIST, Londonderry and Hoyle's Addition

Ms. Hill gave an overview of Londonderry and Hoyle's Addition vision as well as the preliminary recommendations including: an increase of allowable density to encourage more housing, housing diversity, and neighborhood-serving retail; creation of an internal street grid; establishing dedicated transit lanes on Muddy Branch Road; improved pedestrian and bicycle connectivity to existing and future high-quality transit; providing open space, athletic fields or courts, and utilizing natural assets of forests and streams for use; mitigate noise and air pollution from I-270; and increase of green cover, tree canopy, building energy efficiency, bioswales, and rain gardens.

Quince Orchard

Ms. Hill gave an overview of the Quince Orchard recommendations which included the rezoning of the McGown Property, implementing the Germantown to Burtonsville Breezeway, encouraging the installation of rain gardens and bio swales, as well as improving and updating the Quince Valley Neighborhood Park.

Rosemont, Oakmont and Walnut Hill

Ms. Hill stated the recommendations for Rosemont look to retain the R-200 zoning. Oakmont and Walnut Hill will also retain existing zoning; however, if expanded service on the MARC Rail Brunswick Line is implemented and the Washington Grove station remains operational, an application for a CRNF Zone for parcels within one-quarter mile of the Washington Grove station will be supported. Also, consistent with previous plans, add stations at Shady Grove and White Flint by exploring skip stop operations or decommissioning underutilized stations like Washington Grove.

Washingtonian Light Industrial Park

Ms. Hill gave an overview of the recommendations which include retaining the GR zoning, adjusting the IM zoning to increase height to accommodate a broader mix of building heights, increase green cover and tree canopy, and reducing the distance between controlled crossings on Shady Grove and Gaither Road.

Washingtonian Residential

Ms. Hill discussed the recommendations including rezoning of the Washingtonian; rezoning the “T” zones from CRT-1.0, C-0.25, R-1.0, H-110T to CRT-1.0, C-0.25, R-1.0, H-110; maintain tree canopy cover to at least 35 percent of site in redevelopment; prioritizing additional Moderately Priced Dwelling Units and two- and three-bedroom units in redevelopment; provide support to tenants in the event of redevelopment to ensure residents receive the support and assistance necessary to mitigate impacts of temporary relocation; and improving pedestrian, bicycle, and transit connections to connect Downtown Crown and Rio Lakefront.

The Board asked who would provide support to tenants in the event of redevelopment, and Acting Housing, Infrastructure, and Zoning Supervisor Lisa Govoni offered responses.

Hi Wood

Ms. Hill continued by discussing the recommendation for Hi Wood including retaining the existing R-200 zoning; constructing a sidepath along the southside of Darnestown Road, consistent with the 2018 Bicycle Master Plan; encouraging the installation stormwater management infrastructure such as rain gardens on private property through existing county programs such as rainscapes; and increase use of bioswales and rain gardens in landscaped areas and along roadways.

Lastly, Ms. Hill explained the next steps and noted the Working Draft will be presented to the Planning Board in February 2024.

The Board asked questions regarding potential annexation of parcels and effects of implementation of the Plan, potential to connect powerline corridors, discussion of trails, plans for redevelopment within the Londonderry area, transportation analysis, linear parks, and if the FAR for the Washingtonian is comparable to RIO and the Crown.

Staff, including Chief of Midcounty Planning Carrie Sanders, Chief of Park Planning and Stewardship Darren Flusche, Planning Supervisor Jessica McVary, and Planner IV Alex Rixey, offered comments and responses to the Board’s questions.

The Board also recommended better images regarding zoning changes in order to see the changes and magnitude from upzoning as well as noting the need to be thorough and provide clear explanation within the Plan analysis for transportation.

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Ms. Sanders further suggested any areas the Planning Board would be opposed to annexation should include language strongly opposing.

Item 7. Chevy Chase Lake Block A, Preliminary Plan Application No. 120230110, and Forest Conservation Plan No. F20230410 (Public Hearing)

A. Preliminary Plan No. 120230110: Request to consolidate existing Lots 1-12 (Block 22) into a single lot for up to 246,454 square feet of overall development, including up to 19,000 square feet of ground floor commercial density and up to 220 dwelling units and associated structured parking. Located at 8550 Connecticut Avenue at the southwest quadrant of the intersection of Connecticut Avenue and Manor Road in Chevy Chase; zoned CRT-2.0, C-1.0, R-2.0, H-70' and CRN-1.0, C-0.25, R-1.0, H-40'; 2013 Chevy Chase Lake Master Plan.

B. Forest Conservation Plan No. F20230410: Request for approval of a Preliminary Forest Conservation Plan to impact and remove specimen trees and satisfy afforestation/reforestation requirements associated with Preliminary Plan application 120230110.

Staff Recommendation: Approval with Conditions

T. Gatling

A. BOARD ACTION

Motion: Hedrick/Linden

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 Resolution to be adopted by the Planning Board at a later date.

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions, which will be reflected in an associated Resolution to be adopted by the Planning Board at a later date.

Tsaiquan Gatling, Planner III, offered a multi-media presentation regarding Chevy Chase Block A. Further information can be found in the Staff Report dated November 27, 2023.

Mr. Gatling described the property, vicinity, and previous approvals. Mr. Gatling stated the entirety of Block A is proposed for consolidation into one lot to accommodate the future redevelopment of the Property. The Applicant anticipates a mixed-use, predominately residential, development with up to 246,454 square feet of overall development, including up to 19,000 square feet of ground floor commercial density and up to 220 dwelling units as well as associated structured parking. Although the Project will be constructed as one building, it is divided into two programmatic sites, "Site A1" and "Site A2". Site A1 is located along Loughborough Place, will have a maximum height of 40 feet, and is proposed to be designed as a series of townhouse style buildings along the street. Site A2, fronting Connecticut Avenue, will have the majority of the development proposed with a maximum height of 70 feet and will have ground-floor commercial uses with residential above.

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Mr. Gatling discussed the circulation and access to the site noting all frontages will be improved with buffered pedestrian pathways. The afforestation requirement will be met off-site via a fee-in-lieu or mitigation bank, and Mr. Gatling stated a variance request was also submitted due to impacts or removals of specimen trees.

Mr. Gatling noted correspondence was received listing concerns with lot consolidation, materials, loading, open space, and the forest conservation plan; all of which was addressed within the Staff Report.

Lastly, Mr. Gatling noted changes to Condition 16, a newly drafted Condition 17, changes to Condition 18, changes to Preliminary Plan Findings and Analysis Number 1, and updates to Table Number 1.

Jeff Rule of the Neighbors of Chevy Chase Lake West offered a multi-media presentation and testimony regarding concerns with lot consolidation, open space, loading docks, and the forest conservation plan. Mr. Rule offered further comments regarding the housing and recommended it be designated as townhomes.

Steven A. Robins of Lerch, Early and Brewer offered comments on behalf of the Applicant regarding the project and noted agreement to conditions and findings of Staff.

Justin Kennell of Bozzuto Development Company offered comments and a multi-media presentation regarding the current status of construction on Block B, the Block A Development concept, and potential illustrative sketch of the design intent for the project. Mr. Kennell offered further comments regarding the community feedback and construction process.

The Board asked questions regarding, Block D, progress of construction for Block B, access to the Capital Crescent Trail and Purple Line, design of the housing structures, protected crossings, removal of trees, and usage of pile for construction.

Staff, including Chief of Downcounty Planning Elza Hisel-McCoy, offered comments and responses to the Board's questions.

Item 8. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice; and (8) consult with staff, consultants, or other individuals about pending or potential litigation.

Topic: Potential litigation.

M. Mills

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 9. Briefing: Montgomery County Demographic Trends

Staff Recommendation: Brief the Planning Board
C. McCarthy

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Caroline McCarthy, Chief of Research and Strategic Projects, gave a brief overview and offered a multi-media presentation regarding Montgomery County's demographic trends. Further information can be found in the Staff Report under the Agenda for December 7, 2023 on the Planning Board's website.

Ms. McCarthy explained the background of how demographic data is collected and stated the Planning Department uses data from the Decennial Census, American Community Survey (ACS), and the population Estimates Program. Ms. McCarthy displayed the seven districts of Montgomery County and stated although the County is considered a large slow growing county, it is the 45th largest county in the country, and the population of Montgomery County is comprised of 17 percent of the State of Maryland's entire population. Ms. McCarthy further described the population growth rates for the County and noted the growth rate data reflects Montgomery County as being a mature built out county. Components of annual population growth such as net domestic migration, net international migration, natural increase, and population change from 1990-2022, as well as the population concentrated around core centers and corridors.

The Board asked for further definition of growth rate, reasoning for more people leaving the County than coming, and the rate of people in need of future housing.

Staff, including Deputy Director of Planning Tanya Stern, offered comments and responses to the Board's questions.

Ms. McCarthy continued with the presentation by describing the population density by district and countywide. Ms. McCarthy discussed the racial and ethnic change in population for Montgomery County from the 1960's to 2022, noting in 1960 the County was 96.1 percent White, not Hispanic, and in 2022 the County was comprised of roughly 60 percent people of color. Ms. McCarthy further described the percentages of people of color for the districts in 2010 and currently, noting that currently 6 of 7 districts and the county overall are majority people of color.

The Board offered comments regarding the race data for the Asian population within the County, and Forecaster and Demographic Trends Research Specialist James Lee offered comments and responses.

Ms. McCarthy discussed the characteristics of the foreign-born population within Montgomery County including the population percentage of foreign-born residents, the top regions and countries of origin, top languages spoken at home, and educational attainment. Ms. McCarthy

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further noted Montgomery County ranks first in the Washington Region for percentage of the foreign-born population totaling 34 percent of the population and 358,504 residents.

Household composition percentages from 1960-2022 was discussed, as well as the average household and family size over time, and household composition by district and countywide. Housing tenure including the percentages of owning or renting by district and countywide and housing tenure by race for owning or renting were also discussed.

The Board asked for clarification between the household size and average family size. Staff offered comments and responses.

Ms. McCarthy then described the percentage of Montgomery County's population broken down into age groups for the years 2000, 2022, and projected 2024, as well as age distribution by race or ethnicity, and overall age distribution by district and countywide.

Mr. Lee continued with the presentation by giving an overview of the income, education and workforce trends for Montgomery County. Mr. Lee discussed the regional comparison for median income, and stated the median household income in 2021 for Montgomery County was \$188,323. Mr. Lee further discussed the breakdown of the 2022 household income distribution by race.

Mr. Lee also discussed the income distribution by district and countywide, percentage of renter households more than 35 percent of income on housing costs, educational attainment by race, educational attainment by district and countywide, worker type, place of work, and percentage of people working from home both by district and countywide.

Lastly, Ms. McCarthy discussed the demographic takeaways for Montgomery County noting the county is growing at a smaller rate than in previous decades, but a small percentage of a large number is still significant; the population is aging, with 21 percent of the county expected to be over 65 by 2045; the county is one of the most highly educated counties in the United States, yet significant disparities in income and educational attainment persist; housing tenure also varies significantly by race; and commuting patterns and how people work is still undergoing major shifts.

Item 10. Postponed to January 11, 2024 - Replacement of Brink Road Bridge No. M-0064 over Great Seneca Creek – Mandatory Referral, MR2024002 (Public Hearing)

The Montgomery County Department of Transportation proposes to replace an existing, deteriorating bridge on Brink Road over Great Seneca Creek in the Great Seneca Stream Valley Park in Montgomery Village, Maryland. This bridge is located on Brink Road north of its intersection with Wightman Road.

Staff Recommendation: Transmittal of Comments

S. Aldrich

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed to January 11, 2024.

Item 11. Bucklodge Tract, Preliminary Plan Amendment No. 11989032A (Public Hearing)

Application to subdivide two existing platted lots and three existing platted outlots into four buildable lots for up to four buildings with a total of 66,667 square feet of light industrial uses; located on Buck Ridge Court, north of Bucklodge Road; 22 acres; IM zone and Rural zone; 1985 Approved and Adopted Boyds Master Plan.

Staff Recommendation: Approval with Conditions

J. Server

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary 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.

Jeffrey Server, Planner III, offered a multi-media presentation regarding Bucklodge Track. Further information can be found in the Staff Report dated November 24, 2023.

Mr. Server stated the Subject Property is 22 acres in size and consists of two recorded buildable lots and three recorded outlots. The Subject Property fronts on Buck Ridge Court and intersects with Bucklodge Road, which is an identified Rustic Road. The Property is currently vacant, undeveloped, and includes a small portion of an existing forest stand. As part of the original approval, Preliminary Plan No. 119890320, Buck Ridge Court was constructed as a public street and includes a public sidewalk, streetlights, storm drains, and a stormwater management facility.

Mr. Server noted correspondence was received from the Boyds Civic Association and neighboring residents expressing concerns regarding visibility of the proposed buildings, proposed industrial use, forest clearance, traffic impacts on Bucklodge Road, and procedural questions.

Mr. Server stated the Applicant proposes to subdivide 2 existing platted lots and 3 existing platted outlots into 4 lots to construct four industrial buildings, each of which is to be located on its own lot. Each lot to be served with an on-site well and on-site septic system (sand mounds). The existing residential development to the north, south, and east will have screened views to the conceptually proposed industrial building areas due to retained forest, reforestation plantings on-site, and new landscaping. Off-site views of the industrial buildings from Bucklodge Road will be screened by new landscaping, which will be planted along the frontage of existing Outlots A and E and the southern edge of Lot 5.

Mr. Server discussed the landscaping and screening, transportation and forest conservation for the property. Mr. Server noted the Applicant proposes to remove 2.68 acres of forest and retain 1.44 acres of forest, which results in a total reforestation requirement of 5.36 acres. Mr. Server stated the Applicant proposes to meet this requirement by planting onsite and immediately adjacent to the Subject Property on existing Outlot E.

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Dan Seamans of the Boyds Civic Association offered testimony regarding concerns with location of building on lot 4, zoning, noise and traffic impacts, stormwater runoff, and keeping the mature forest intact.

John Warffeli, an adjacent property owner, offered testimony regarding stormwater runoff, concerns with erosion effect, and requested extra screening from the proposed buildings.

Soo Lee-Cho of Bregman, Berbert, Schwartz and Gilday, LLC offered comments on behalf of the Applicant regarding the reengineering of the site, zoning, and stormwater management for the site. Ms. Cho offered further comments regarding the location of the buildings, traffic impacts and trips generated, and need for lighter industrial uses within this area of the County. Lastly, Ms. Cho noted the Applicant's agreement to Staff's conditions.

The Board asked questions regarding stormwater management for the site, viewshed requirements, and if the number of trips was based on industrial usage.

Staff, including Planner II Brett Brown, offered comments and responses to the Board's questions.

David McKee of Benning and Associates, Inc. offered comments regarding the stormwater management for the site.

Item 12. Rustic Roads Functional Master Plan Update – Resolution of Adoption

Staff Recommendation: Approve the Resolution of Adoption for Transmittal to the Full Commission and receive a briefing on changes made to the plan after transmittal of the Planning Board Draft to the County Council.

R. Duke/J. Pratt

BOARD ACTION

Motion: Hedrick/Bartley

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Resolution of Adoption for Transmittal to the Full Commission and receive a briefing on changes made to the plan after transmittal of the Planning Board Draft to the County Council.

Roberto Duke, Planner III and Jamey Pratt, Planner III, offered a multi-media presentation regarding the Resolution of Adoption for the Rustic Roads Functional Master Plan Update. Further information can be found in the Staff Report dated November 29, 2023.

Mr. Pratt stated The County Council approved the Rustic Roads Functional Master Plan Update with the following amendments:

- Remove Frederick Road in Hyattstown from the Rustic Roads Program;
- Remove short segments from two roads in Sandy Spring from the Program;
- Do not classify Holsey Road as a Rustic Road;
- Do not reclassify Elton Farm Road from Rustic to Exceptional Rustic;
- Delete the recommendations to change the Rustic Roads Advisory Committee; and
- Minor changes related to road maintenance.

Mr. Pratt also explained additional changes to the Rustic Roads Advisory Committee and changes by category to the Rustic Roads Recommendation Categories.

Lastly, Mr. Pratt requested approval of the Resolution of Adoption for transmittal to the Full Commission for review at its December 20, 2023 meeting.

Item 13. Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments – County Executive’s AD 2023-3 Administrative Amendment Group – Four Water/Sewer Service Category Change Requests

Staff Recommendation: Transmit Comments to County Executive
J. Pratt

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0

Other: Commissioner Hedrick was necessarily 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.

Jamey Pratt, Planner III, offered a multi-media presentation regarding four Water/Sewer Service Category Change Requests. Further information can be found in the Staff Report dated November 29, 2023.

The four Water/Sewer Service Category Change Requests and recommendations were as follows:

- WSCCR 23-CLO-01A: Ashton United Methodist Church – Staff Recommendation: Approve W-1
- WSCCR 23-PLV-01A: Charles H. Jamison, Inc. – Staff Recommendation: No jurisdiction/recommendation
- WSCCR 23-TRV-02A: Roderick Dunlap and James Hall – Staff Recommendation: Approve S-1
- WSCCR 23-URC-01A: Ken Fraley – Staff Recommendation: Approve W-3

Mr. Pratt noted Planning Staff recommends of approval for each of these cases consistent with the Executive Staff recommendations.

The Board asked why some of the properties had water/sewerage service and why some did not.

Staff, including Chief of Upcounty Planning Patrick Butler, offered comments and responses to the Board’s questions.

Item 14. State Legislative Update

Staff Recommendation: Legislative updates and approvals

D. Borden

- A. PG/MC 105-24 Prince George’s County Qualifying Municipal Corporations – Land Use
- B. PG/ MC 106-24 Prince George’s County – Zoning and Land Use Fairness Zoning
- C. MC 7-24 Montgomery County – State Highway Intersections – Traffic Control Devices
- D. MC 8-24 Montgomery County - Restriction on Use of Real Property – Limitation
- E. MC 10- 24 Montgomery County – Highways – Maximum Speed Limits
- F. MC 20-24 - Montgomery County – State Highways – Project Approval
- G. PG/ MC 110-24 Montgomery County – Clerk of Court – Subdivision Plat Recordation Act
- H. PG/ MC 111-24 - Montgomery County – Subdivision Plats – Conditions
- I. PG/MC 112-24 Maryland–National Capital Park and Planning Commission – Montgomery County – People’s Counsel for Land Use Planning
- J. PG/MC 113-24 Montgomery County – Transportation Planning – Local Authority

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to Oppose Bill PG/MC 105-24.

B. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to Oppose Bill PG/MC 106-24.

C. BOARD ACTION

Motion: Linden/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support Bill MC 7-24, with amendments.

D. BOARD ACTION

Motion: Hedrick/Linden

Vote: 3 Yay (Harris, Hedrick, and Linden), 1 Nay (Bartley), 1 Abstain (Pedoeem)

Other: Vice Chair Pedoeem abstained due to needing more time to review and more knowledge as to the full impact.

Action: Approved Staff recommendation to Support Bill MC 8-24, with amendments.

E. BOARD ACTION

Motion: Hedrick/Linden

Vote: 4 Yay and 1 Nay (Bartley)

Other:

Action: Approved Staff recommendation to Support Bill MC 10-24, with amendments.

F. BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support Bill MC 20-24, with amendments.

G. BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support Bill PG/MC 110-24, with amendments.

H. BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support Bill PG/MC 111-24.

I. BOARD ACTION

Motion: Linden/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to Oppose Bill PG/MC 112-24.

J. BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation to Oppose Bill PG/MC 113-24.

General Counsel Debra Borden introduced Government Affairs Liaison Jordan Baucum Colbert and offered an overview of the legislation process. Ms. Borden further discussed and briefed the Planning Board on the 2024 Legislation submitted by the Montgomery County Delegation to the Maryland General Assembly on the Bills listed above.

The Board asked questions and held further discussion regarding Bill MC 8-24 regarding language that would invalidate particular instruments that are restrictive in terms of different types of residential uses, prevention of the creation of new covenants, concerns for eliminating covenants, and potential to support the Bill as expansively as possible.

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

The Board asked questions about Bill MC 10-24 regarding further clarification as to whether the Bill only applies to State owned roads and highways, if the Bill was to decrease the speed limit only, and reasoning for not requiring a study.

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

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The Board held further discussion regarding Bill PG/MC 113-24 and asked questions regarding the reasoning behind the bill supporting transportation roles be transferred to Montgomery County Department of Transportation.

Ms. Borden and Deputy Director of Planning Tanya Stern offered comments and responses.