

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, January 11, 2024
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 11, 2024, beginning at 9:04 a.m. and adjourning at 12:38 p.m.

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

Items 1 through 4, Item 8, and Items 5 through 7, were discussed in that order and reported in the attached Minutes.

There being no further business, the meeting adjourned at 12:38 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 18, 2024, 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. Chevy Chase Lake Block A, Preliminary Plan No. 120230110 – MCPB No. 23-125

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Adopted the Resolution cited above, as submitted.

2. Chevy Chase Lake Block A, Forest Conservation Plan No. F20230410 – MCPB No. 23-126

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Adopted the Resolution cited above, as submitted.

B. Approval of Minutes

1. Minutes for December 21, 2023

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Planning Board Meeting Minutes for December 21, 2023, as submitted.

C. Other Preliminary Matters

A. Bethesda Design Advisory Panel Member Selection

G. Bogdan

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the appointment of Robert Sponseller for the Bethesda Design Advisory Panel cited above.

Staff recommends appointment of Robert Sponseller, Design Principal with Shalom Baranes Associates, a registered architect representing academia to the Bethesda DAP, to serve for a three-year term.

B. Bethesda IAC Member Reappointment

S. Dickel

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the reappointment of members for the Bethesda Downtown Plan Implementation Advisory Committee cited above.

Staff recommends reappointment of five members to the Bethesda Downtown Sector Plan Implementation Advisory Committee (IAC) including Naomi Spinrad, Michael Fetchko, Andy O'Hare, Jad Donohoe, and Patrick O'Neil to serve for three-year terms.

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220230440, Grand Park

CR zone, 1 lot; located in the southeastern quadrant of the intersection of Old Georgetown Road (MD 187) and Grand Park Avenue; White Flint Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230630, Nebel-MHP Property

CR zone, 2 parcels; located at the intersection of Old Georgetown Road (MD 187) and Nebel Street; White Flint Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220230830, Bradley Farms

RE-2 zone, 2 lots; located on the south side of Bronson Drive, 600 feet east of Persimmon Tree Road; Potomac Subregion 2002 Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240080, Tilden Woods

R-200 zone, 1 lot; located on the south side of Cushman Road, 650 feet west of Marcliff Road; North Bethesda – Garrett Park Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240140, Kensington Park

R-60 zone, 1 lot; located on the west side of Montgomery Avenue at the terminus of Kent Street; Kensington Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240200, 220240250 through 220240270, Creekside at Cabin Branch

RNC zone, 70 lots, 3 parcels; located on the north and south sides of Dowitcher Way, approximately 2,200 feet west of Clarksburg Road (MD 121); Clarksburg Ten Mile Creek Amendment Area.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

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

Item 3. Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Regulatory Extension Requests submitted for approval.

Item 4. Roundtable Discussion

Planning Director's Report
J. Sartori

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Planning Director Jason Sartori offered a multi-media presentation regarding the upcoming 2024 work program for the Planning Department, a brief legislative update, and personnel updates.

Mr. Sartori spoke about the 2024 work program for the Planning Department by highlighting upcoming Master Plans, other plans and projects, policy work, development activity, and FY25 budget projects.

Mr. Sartori noted the 2024 General Assembly Regular Session began January 10, 2024, and gave a brief legislative update noting the Planning Department will be tracking roughly two dozen bills that could potentially impact the department's work.

Lastly, Mr. Sartori discussed recent personnel updates welcoming Planner II, Mariah Clayborne; Graphic Designer I, Dior Kane; Planner II, Ugo Njeze; Planner II, Justine Gonzalez, and Administrative Specialist II, Tonia Lewis. Mr. Sartori also offered well wishes to Planner III, Kristin Taddei and Deputy Planning Director, Tanya Stern. Mr. Sartori noted the important contributions Ms. Stern made to the Planning Department during her time with M-NCPPC, and further noted the Planning Department's thanks, appreciation, and well wishes in her new role as Prince William County's Planning Director. Mr. Sartori stated Bridget Broullire has been selected to serve as Acting Deputy Director and will be overseeing the Research and Strategic Projects Division, the Information, Technology, and Innovation Division, the Management Services Division, and the Communications Division. Chris Peifer will serve as the Acting Chief for the Communications Division, and George Lettis will serve as the Acting Communication Manager.

The Board asked questions regarding legislative advocacy, communication with the Montgomery County delegation, and the difference between attainable and affordable housing strategies. The Board also requested further updates regarding legislation that could impact the Planning Department.

Mr. Sartori and Principal Counsel, Emily Vaias, offered comments and responses to the Board's questions.

Item 8. FY24 Budget Transfer Request – Planning Department

Staff Recommendation: Approval
K. Warnick

BOARD ACTION

Motion: Pedeem/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation to approve the Budget Transfer Request cited above.

Karen Warnick, Chief of the Management Services Division discussed the budget transfer request. Further information can be found in the Staff Report dated January 5, 2024.

Ms. Warnick stated the Planning Department requests to transfer funds from the Director's Office and the Information, Technology, and Innovation Division's Personnel Services categories to their respective temporary agency fees accounts. This is requested as both the Director's Office and the Information, Technology, and Innovation Division hired temp agency Staff members to provide support until positions were filled. The total requested budget transfer is \$165,100.00.

Item 5. Replacement of Brink Road Bridge No. M-0064 over Great Seneca Creek – Mandatory Referral No. 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: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to Montgomery County Department of Transportation with additional recommendations as discussed during the meeting, as stated in a transmittal letter to be prepared at a later date.

Stephen Aldrich, Planner IV, offered a multi-media presentation regarding the replacement of Brink Road Bridge No. M-0064 over Great Seneca Creek. Further information can be found in the Staff Report dated January 4, 2024.

Mr. Aldrich noted additional testimony was received from the Greater Goshen Civic Association, Tim Barry, and Christel Bivens.

Mr. Aldrich gave a brief overview of the project noting MCDOT's is proposing to rehabilitate a structurally deteriorating roadway bridge that carries Brink Road over Great Seneca Creek, within the Great Seneca Stream Valley Park. Mr. Aldrich stated the bridge was built in 1972 and has deteriorated over time due to flooding and traffic usage. The existing single-span concrete slab bridge will be removed and replaced with a new wider prestressed concrete box beam superstructure, precast concrete abutments, and wing walls. The bridge will be slightly raised to accommodate larger stormflows, improvements will be made to the intersection, and there will be improved parking access for park users. Mr. Aldrich stated construction is scheduled to begin in summer 2025 and be completed in the winter of 2025. The bridge will be closed to traffic from June 2025 to August 2025.

Mr. Aldrich described the proposed design of the bridge noting the total project length of 1,200 feet, and stated the new design will widen the existing bridge by 12 feet as well as provide space for pedestrians using proposed shoulders.

Mr. Aldrich discussed the design element review for the pedestrian and bicycle accommodations/target speeds, as well as, Complete Streets Design Guide (CSDG) and Master Plan consistency. Mr. Aldrich noted the design elements that met planning's standards and those that did not including a proposed target speed and lack of bicycle facilities/sidepath on one side of the street as the proposed project is only providing shoulders in the proposed design.

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Mr. Aldrich stated the Applicant did submit a detour study, but noted the study was incomplete as the study did not evaluate traffic impacts during construction including traffic mitigation, if any. Mr. Aldrich explained the Historic Preservation review conducted and the environmental analysis for the project, noting on November 21, 2022 it was confirmed the project was exempt from submitting a Forest Conservation Plan. Mr. Aldrich further noted the Applicant has submitted a Tree Save Plan (TSP) in conjunction with the Mandatory Referral process to show how the impacts have been minimized and what stress reduction methods are being used to further minimize impacts on trees.

At this time, Doug Stephens, Principal Natural Resources Specialist, gave an overview of the project's impacts to parkland stating there will be 14,000 square feet of permanent impact to the Great Seneca Stream Valley Park, 37,650 square feet of temporary impact to the Great Seneca Stream Valley Park, and removal of approximately 17 live trees on parkland. Mr. Stephens noted no stream work is currently proposed.

Mr. Stephens described the Seneca Greenway Trail, stating it is a natural surface trail approximately 7.8 miles in length that originates in Damascus Recreational Park as the Lower Magruder Trail, and then continues through the Great Seneca Stream Valley Park and into Seneca Creek State Park. Use of the trail will be maintained throughout the project's construction, and; as part of the project, an ADA-compliant parking lot will be built, which will increase accessibility and safe access to the Seneca Greenway Trail. Mr. Aldrich noted the current design of the parking lot is not part of approval for the current bridge project.

Mr. Stephens also discussed the proposed parkland to be converted to MCDOT right-of-way. Mr. Stephens stated roughly 9,870 square feet of the total parkland being transferred into MCDOT right-of-way was acquired with State Program Open Space (POS) funds, and the Maryland Department of Natural Resources requires that any POS-purchased land converted away from public recreation and open space be replaced with new parkland that is of equal or greater land area, appraised land value, and recreational value. Furthermore, MCDOT proposes to purchase part of the property at the corner of Brink Road and Wightman Road and transfer ownership to M-NCPPC, which will serve as the future location of the ADA-compliant parking lot.

Mr. Aldrich explained the community outreach performed to date, stating a virtual public meeting is planned for early 2024.

Lastly, Mr. Aldrich and Mr. Stephens discussed Staff's recommended comments to MCDOT.

Kathleen Sentkowski, an adjacent property owner, offered testimony noting the danger of the area and need for an updated detour and noise study, need for serious traffic calming measures, and the possibility for an alternate location of the pedestrian crossing and connection to the other nearby park.

The Board asked questions regarding the proposed bridge width, potential for future stream work within the immediate area, potential for an updated detour study, impervious surface requirements for parking lots, the purpose of the handrail over the bridge, any necessary removal of environmental features for the expanded parking lot, the repair process and lifespan of the bridge,

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sidepath approach widths, potential Master Planned target speed, location of the proposed traffic signal, and length of road closure for bridge construction.

Staff, including Planning Director, Jason Sartori and Acting Chief of Countywide Planning and Policy, Dave Anspacher, offered comments and responses to the Board's questions.

Dan Sheridan of MCDOT offered comments regarding proposed traffic calming, potential traffic signal, and detour study.

Van DeJarnette of Gannett Fleming offered comments regarding the location of the proposed traffic signal.

Brian Copley of MCDOT offered comments regarding future community engagement, the repair process, and potential cost for widening the bridge.

The Board offered comments and held further discussion regarding potential expansion of a protected sidepath across the bridge, traffic calming on surrounding streets including local traffic only diversions for Blunt Road during construction, and target speed reduction.

The Board agreed the following additional comments should be sent to MCDOT with Staff's other recommendations and comments:

- Consider modifying the proposed project to provide a protected sidepath on the south side of the bridge. The sidepath on the bridge should also connect to the Seneca Greenway Trail to the east;
- MCDOT should complete a detour study as part of future design efforts to ensure that traffic impacts during construction will be minimal or mitigated;
- Traffic calming measures should be examined for surrounding roads as well as consideration for local traffic only traffic diversions during construction; and
- Consider reducing the posted speed limit along this section of Brink Road and Wightman Road to 25 mph.

Item 6. Zoning Text Amendment (ZTA) 23-11, Regulatory Approvals – Conditional Use (Public Hearing) and Subdivision Regulation Amendment (SRA) 23-02, Preliminary Plan – Approval Procedures (Public Hearing)

A. ZTA 23-11 generally streamlines the Office of Zoning and Administrative Hearing’s (OZAH) processes by consolidating certain uses, creating limited use standards for some uses that are only approvable as a conditional use, and providing new authority to OZAH on handling inactive applications.

B. SRA 23-02 permits the Planning Director to approve minor changes to the Preliminary Plan prior to certification if the application was granted an approval by the Planning Board contingent on the approval of a conditional use application.

Staff Recommendation: Transmit comments to the District Council for a public hearing scheduled on January 23, 2024.

B. Berbert

BOARD ACTION

Motion: Hedrick/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to Montgomery County District Council regarding ZTA 23-11 and SRA 23-02, as stated in a transmittal letter to be prepared at a later date.

Benjamin Berbert, Planner III, offered a multi-media presentation regarding Zoning Text Amendment (ZTA) 23-11, Regulatory Approvals – Conditional Use and Subdivision Regulation Amendment (SRA) 23-02, Preliminary Plan – Approval Procedures. Further information can be found in the Staff Report dated December 14, 2023.

Mr. Berbert stated ZTA 23-11 and SRA 23-02 were introduced on December 12, 2023, sponsored by Council President Friedson. Mr. Berbert noted together, the ZTA and SRA, are a pair of code amendments intended to streamline multiple aspects of the conditional use process including consolidating uses, allowing certain uses as limited rather than conditional, and modifying review policies for efficiency.

Mr. Berbert described the background of permitted, limited, and conditional uses, and discussed Staff’s recommendations in further detail including Staff’s modified language. Mr. Berbert further stated Staff supports SRA 23-02 as introduced.

The Board inquired about the potential elimination of family daycare for up to 8, fire access requirements, coordination between agencies, if equestrian facilities, home occupations, and rural markets would be added or restricted, potential for monitoring of limited uses, and reasoning why some approvals of the Hearing Examiner go stale.

Staff, including Planning Director Jason Sartori, offered comments and responses to the Board’s questions.

Item 7. CM Muncaster LLC: Conditional Use No. CU202407 and Preliminary Forest Conservation Plan No. F20230500 (Public Hearing)

Request to transmit comments to the Hearing Examiner on a proposed Conditional Use for a Townhouse Living for Design for Life use pursuant to the 2014 Montgomery County Zoning Ordinance Sections 59.3.3.1.D.2.b (Specific Conditions) and 59.7.3.1 (General Conditions) at 7100 & 7106 Muncaster Mill Road, Rockville; 4.46 Acres; R-200 Zone; 2004 Upper Rock Creek Master Plan.

Staff Recommendation: Approval to transmit comments to the Hearings Examiner
M. Beall

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to transmit comments to the Hearing Examiner, as stated in a transmittal letter to be prepared at a later date.

BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Preliminary Forest Conservation Plan No. F20230500, which will be reflected in an associated draft Resolution to be adopted by the Planning Board at a later date.

Mark Beall, Zoning Planner IV, offered a multi-media presentation regarding CM Muncaster Mill. Further information can be found in the Staff Report dated December 22, 2023.

Mr. Beall described the property, existing conditions, and vicinity, as well as stating the Property consists of two existing single-family detached houses, detached garages and sheds. The Property has existing access from Muncaster Mill Road to the northeast from two existing driveways, has a high point in elevation at the western corner, and flows downhill towards the east corner of the Property. Mr. Beall stated there are no streams, forests, or environmentally sensitive areas on the Property.

Mr. Beall stated the existing single-family detached house and all the outbuildings will be demolished as part of the application, and the Applicant proposes Townhouse Living consisting of 43 townhouse units, of which seven will be Moderately Priced Dwelling Units (MPDUs). Mr. Beall noted The Design for Life program is intended to increase the number and variety of dwelling units in Montgomery County that are integrated into existing communities and fully accessible to all, including those with mobility or physical disability. All townhouse units will have a garage and driveway parking along with parallel parking spaces along the main entry street for guest parking. The Applicant is also proposing landscaping and lighting throughout the subdivision including an open mews area between two of the sticks of townhouses, as well as, a publicly accessible park to the rear of the Property which includes seating areas and a multi-age playground.

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Mr. Beall described the Forest Conservation Plan noting the Applicant is proposing to remove all 0.29 acres of forest and proposes to meet the planting requirement both onsite and offsite. Mr. Beall stated the Applicant also submitted a variance request for removal of 5 trees and impact to five variance trees.

At this time, Brett Brown, Upcounty Transportation Planner, spoke about the submitted transportation exemption as the property will not generate more than 50 peak hour trips, the master planned facilities, and additional pedestrian facilities the project will provide. Mr. Brown noted there will also be an off-site paved trail connection to Redland Road from the subject property as well.

Lastly, Mr. Beall noted correspondence was received noting concerns for traffic on Muncaster Mill Road, air pollution from the additional cars, distance from the Metro and public park, and the neighboring religious institution relayed concerns as well. Mr. Beall offered comments and responses to the noted concerns.

Scott Wallace of Miles and Stockbridge offered comments on behalf of the Applicant and noted agreement with Staff's conditions. Mr. Wallace further noted community outreach that was performed as well as meetings with the Church to answer and address concerns. Mr. Wallace stated the Church requested installation of a privacy fence between the Church property and the project, and the Applicant noted willingness and agreement. Mr. Wallace offered further comments and responses regarding no requirement of a full LATR traffic study and access to surrounding amenities.

The Board asked if the townhouses would be equipped with elevators, potential for further traffic study, and access to the nearby shopping center.

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