

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, February 1, 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, February 1, 2024, beginning at 10:04 a.m. and adjourning at 3:36 p.m.

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

Items 1 through 4 were discussed in that order and reported in the attached Minutes.

The Planning Board convened in Closed Session at 10:28 a.m. via Microsoft Teams and in person to discuss Item 5 on the motion of Vice Chair Pedoeem, seconded by Commissioner Linden 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)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Montgomery Parks Director Miti Figueredo; Deputy Director of Operations Gary Burnett; Acting Deputy Director of Administration Darren Flusche; Real Estate Management Supervisor Brenda Sandberg; Chief of the Park Development Division Andrew Frank; Real Estate Manager Anne Fothergill; Senior Counsel Matt Mills; and Technical Writer Rachel Roehrich of the Office of General Counsel.

In Closed Session, the Board held discussion regarding Westbard Urban Recreational Park. The Closed Session began at 10:32 a.m. and ended at 11:02 a.m.

The Planning Board reconvened in the auditorium and via video conference to return to open session at 11:06 a.m. to discuss Items 10 and 8 as reported in the attached Minutes.

Item 6 was postponed until February 8, 2024.

The Planning Board recessed for lunch at 12:03 p.m. and reconvened in the auditorium and via video conference to return to open session at 12:52 p.m. to discuss Items 7 and 9 as reported in the attached Minutes.

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There being no further business, the meeting adjourned at 3:36 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 8, 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. Brookstone Sr. Living Forest Conservation Plan No. F20230060 MCPB No. 24-006

BOARD ACTION

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

2. Montgomery Auto Sales Park, Lot 7 – Site Plan Amendment No. 81995038A – MCPB No. 24-004

BOARD ACTION

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

B. Approval of Minutes

1. Minutes for January 11, 2024

BOARD ACTION

Motion: Pedoeem/Linden
Vote: 5-0
Other:
Action: Approved the Minutes for January 11, 2024, as submitted.

2. Minutes for January 18, 2024

BOARD ACTION

Motion: Linden/Bartley
Vote: 4-0-1
Other: Vice Chair Pedoeem abstained due to being absent.
Action: Approved the Minutes for January 18, 2024, as submitted.

C. Other Preliminary Matters

1. Corrected Resolution White Oak Self Storage Sketch Plan No. 320230040 –
MCPB No. 23-111
2. Corrected Resolution White Oak Self Storage Site Plan No. 820230400 –
MCPB No. 23-112

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 4-0-1

Other: Commissioner Bartley abstained due to abstaining for the original vote.

Action: Adopted the Corrected Resolutions cited above, as submitted.

Item 2. Record Plats (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Record Plats submitted for approval.

Item 3. Regulatory Extension Requests (Public Hearing)

BOARD ACTION

Motion:

Vote:

Other:

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

Item 4. Roundtable Discussion

Parks Director's Report
M. Figueredo

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing.

Parks Director, Miti Figueredo, offered a multi-media presentation regarding recent activities and updates for the Parks Department.

Ms. Figueredo recognized the recent coordination between the Parks Department and Montgomery County Government for snow removal during the two weather events that occurred recently, and highlighted a list of the best Montgomery Parks sledding hills that can be found on the Montgomery Parks website. Ms. Figueredo noted a request for cross-country skiing locations was also received and Parks Staff will be working on producing a list of locations within the County as well.

Ms. Figueredo gave an overview of a recent meeting held with the Montgomery County State Legislative Delegation regarding the Parks, Recreation, and Open Space (PROS) Plan, project delivery, and equitable outreach. Ms. Figueredo noted Delegate Wolek requested ideas for connecting access to nature and mental health activities within the parks. Some examples of park programs connecting people directly to nature include strolls for wellbeing at Brookside Gardens, mindfulness walks and retreats, yoga and tai chi programs, and urban parks.

Ms. Figueredo highlighted the numerous Martin Luther King, Jr., Day of Service opportunities that took place within Montgomery Parks noting roughly 231 people volunteered services at 21 events totaling 520.25 volunteer hours. Ms. Figueredo further stated 240 trees and shrubs were saved and 5,129 pounds of trash were removed with a total contribution of volunteer services totaling \$17,750.00.

Ms. Figueredo also gave an overview of Parks events that took place in January as well as upcoming events for the month of February. Ms. Figueredo noted summer camp registration opened on January 16, 2024, and currently 89 summer camps are full with 63 summer camps having waitlists. Ms. Figueredo also stated every recipient of The Marye Wells-Harley Dream Camp scholarships received their first or second choice of summer camp this year.

Lastly, Ms. Figueredo gave a brief update regarding the recently approved alternative proposal for Little Falls Parkway, which includes single-lane traffic northbound and southbound from Hillendale Road to Dorset Avenue. The pavement will be retained to the outside of the northbound lane and a two-way bicycle track will be located on the outside of the southbound lane. Ms. Figueredo stated the next step of the process will be to move forward with a detailed design and coordination with the National Capital Planning Commission (NCPC).

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The Board offered comments regarding the Little Falls Parkway configuration, the healing power of nature, and suggested more literature on Parks programs connecting nature and wellbeing.

The Board also asked questions regarding the Little Falls Parkway configuration, potential timeframes for review and evaluation regarding growth, and confirmation of the two-lane configuration being permanently approved.

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

Item 5. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Topic to be discussed: Westbard Urban Recreational Park

B. Sandberg/A. Fothergill

BOARD ACTION

Motion: Pedoeem/Linden

Vote: 5-0

Other:

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

Item 10. Spring 2024 Semi-Annual Outline

J. Sartori/M. Figueredo

BOARD ACTION

Motion:

Vote:

Other:

Action: Received briefing and provided comments.

Planning Director, Jason Sartori, and Montgomery Parks Director, Miti Figueredo, briefed the Board on the Spring 2024 Semi-Annual Outline. Further information can be found in the Staff Report included under the February 1, 2024 Agenda on the Planning Board website.

Planning Director, Jason Sartori, presented the Planning Department's outline which will begin with a high level overview of the Planning Department's work including the current and upcoming plans, policies and studies, implementation efforts of the Development Review Process Workgroup recommendations, legislation engagement, and overall vision for the Planning Department under the new leadership within the department.

Mr. Sartori stated the Planning Department's efforts for Thrive Montgomery 2050's implementation will be discussed as well as highlighting the Maryland Sustainable Growth Award from the Maryland Department of Planning for Thrive Montgomery 2050. Mr. Sartori will also discuss the Department's housing efforts and updates including the update to the Growth and Infrastructure Policy Update, the Innovative Housing Toolkit, Local Housing Targets, and Attainable Housing Strategies. Mr. Sartori will highlight the growing relationship and collaborative efforts with Montgomery County Public Schools (MCPS) including both the Memorandum of Understanding and LGBTQ+ history. Ongoing Master Plan updates will be discussed as well as Studies, Policies and Projects. Statistics of Countywide development review will be presented, and Mr. Sartori will also give a brief overview of the FY25 budget request. Mr. Sartori will close by noting the ongoing work of the department's new vision, which will be reflected in the FY26 budget request.

Parks Director, Miti Figueredo, presented the Montgomery Parks outline which included opening with an overview of the Operating Budget request, PROS priorities, and discussion on the skate park campaign. Upcoming skate park projects including Ovid Hazen Wells will be discussed as well as the outreach findings from the skate park campaign. The Wheaton Regional Park Adventure Sports Park outreach will be presented as well as an update on the Long Branch Park Initiative.

Trails and athletic fields will be discussed as well as the Park Activation program and upcoming spring events including Acoustics and Ales, Sligo Creek Fest, the Colors and Kites Festival, and Shine Brighter Together Autism Awareness event. Ms. Figueredo will highlight the work done by the Program Access Office regarding accessibility and sustainability, and provide an update on the recent park acquisitions.

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Ms. Figueredo stated an update on the delivery timelines to recent park projects and upcoming park refreshers will also be provided, and Ms. Figueredo will close by discussing technology in parks and how it relates to data efforts for community garden and volunteer services.

The Board offered comments and suggestions for both the Planning and Parks Department outlines regarding the need to highlight park activation programs for teens and seniors, further discuss the Planning Department's involvement with legislation regarding housing, elevating climate change as a top-level category for planning, creating a "road map" to demonstrate how housing initiatives and future Master Plans or ZTA's flow in a cohesive way, reemphasizing the need for the increased GO Bonds request for Wheaton Regional Park, and focusing on the Attainable Housing Strategy and local housing targets.

Item 6. Postponed to February 8, 2024 - Corso Chevy Chase, Preliminary Plan Application No. 120240020, Site Plan Application No. 820240030, and Forest Conservation Plan No. F20230410 (Public Hearing)

A. Preliminary Plan 120240020 120230110 – Request to create one new lot for a senior living community of up to approximately 700,000 square feet, including a Residential Care Facility (over 16 persons) containing up to 287 independent dwelling units and 190 assisted living beds and 30 memory care beds, and up to 5,000 square feet of commercial/retail use in the CRNF zone. Located at 7100 Connecticut Avenue at the southwest quadrant of the intersection of Connecticut Avenue.

B. Site Plan 820240030 – Request to develop a mixed-use senior living community with up to 695,000 square feet of residential density, including a Residential Care Facility containing up to 287 independent dwelling units, 190 assisted living beds, and 30 memory care beds, and up to 5,000 square feet of commercial/retail uses.

C. Forest Conservation Plan 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 No. 120240020 and Site Plan Application No. 820240030.

Staff Recommendation: Approval with Conditions

T. Gatling

BOARD ACTION

Motion:

Vote:

Other:

Action: Postponed to February 8, 2024.

Item 8. Forest Conservation Plan No. F20240190 and Conditional Use No. CU202409: Treeman, Inc. (Public Hearing)

A. Forest Conservation Plan No. F20240190: Preliminary/Final Forest Conservation Plan
Staff Recommendation: Approval with Conditions to the Planning Board

B. Conditional Use No. CU202409: Request to transmit comments to the Hearing Examiner on a conditional use application to operate a Landscape Contractor pursuant to Montgomery County Zoning Ordinance Sections 59-7.3.1.E (General Conditions) and 59.3.5.5 (Specific Conditions) at 2230 Spencerville Road, Spencerville; RE-1 Zone; 1997 Cloverly Master Plan.

Staff Recommendation: Approval with Conditions to be transmitted to the Hearing Examiner

M. Beall

A. BOARD ACTION

Motion: Pedoeem/Linden

Vote: 5-0

Other:

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

B. BOARD ACTION

Motion: Pedoeem/Bartley

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.

Mark Beall, Zoning Planner IV, offered a multi-media presentation regarding Treeman, Inc. Further information can be found in the Staff Report dated January 19, 2024.

Mr. Beall described the property and vicinity stating the property is located at 2230 Spencerville Road. The Subject Property consists of 2.10 acres and has an existing single-family detached house towards the front of the Property. Mr. Beall stated the Applicant proposes to continue to use the rear portion of the property for the existing Landscape Contractor business and install a parking area for the employees, equipment and trucks. Mr. Beall stated the Applicant is also proposing to install a wood chip storage bin along the east side of the property towards the rear and retain the existing opaque fencing around the property as well as adding additional screening, landscaping, and lighting.

The Applicant will utilize 20 large commercial vehicles, 10 trailers carrying equipment, three pieces of motorized equipment and up to 20 employees. Mr. Beall noted employees will arrive at the Property in the morning starting at 7:00 a.m. and will leave for jobsites after an hour or two and then return around 4:00 p.m. for around an hour or two. Weekend hours are not

proposed except in the case of emergencies such as clearing fallen trees after a storm. Mr. Beall further noted the Applicant is requesting three variances, which will be deferred to the Hearing Examiner.

Josh Penn, Planner III, described the forest conservation plan noting a total afforestation requirement of 0.42 acres, which Mr. Penn stated the Applicant proposes to meet off-site within the same watershed at 16201 Batson Road. Mr. Penn also stated the Applicant submitted a variance request for impact to one tree.

Mr. Penn noted changes to Forest Conservation Plan Condition Numbers 4.a, 4.b, 4.c, 4.e, and Condition Number 5.

Mr. Beall stated Staff received one email from the Patuxent Watershed Protection Association, stating they do not have any objection to the application as submitted.

Françoise Carrier of Bregman, Berbert, Schwartz & Gilday, LLC offered brief comments on behalf of the Applicant regarding the history of the site prior to the Applicant's purchase and noted two minor additional modifications to Conditions 4 and 6. Ms. Carrier offered further comments regarding ownership of the off-site property, the ingress/egress from Spencerville Road to the property, the Notice of Violation from The Department of Permitting Services, office location, required permits, and the legality of the business.

The Board asked questions regarding the ingress/egress from Spencerville Road to the property, ownership of the off-site property, number of commercial/employee trips to and from the site, location of office, bathroom facilities, potential monetary fines, size of commercial vehicles, sight distance requirements, legality of the business, and reasoning for the requirement to submit a sediment control erosion permit.

Staff, including Chief of Upcounty Planning, Patrick Butler and Planner II, Brett Brown, offered comments and responses to the Board's questions. Staff further noted additional minor modifications to conditions received from Ms. Carrier.

Michael Norton of Norton Land Design, LLC offered comments regarding access to the site, parking for both commercial and employee vehicles, office location, and sight distance studies.

Manuel Polanco of Treeman, Inc., the Applicant, offered comments regarding history of the site, the size of the commercial vehicles, the house located on-site, bathroom facilities for employees, and clarity of current commercial vehicles and operations.

Item 7. The Great Seneca Plan: Connecting Life and Science Working Draft

Staff Recommendation: Approve the Working Draft of the Great Seneca Plan: Connecting Life and Science as the Public Hearing Draft and schedule the public hearing date.

M. Hill

BOARD ACTION

Motion: Pedoeem/Hedrick

Vote: 5-0

Other:

Action: **Approved Staff recommendation for approval of the Working Draft of the Great Seneca Plan: Connecting Life and Science as the Public Hearing Draft, and set a public hearing date of March 14, 2024 with the Public record remaining open until March 21, 2024.**

Carrie Sanders, Chief of Midcounty Planning and Jessica McVary, Midcounty Planning Supervisor, offered comments regarding the process for the Great Seneca Plan, and acknowledged the Staff, consultants, and stakeholders that helped to get the Plan to its current stage.

Maren Hill, Planner III, offered a multi-media presentation regarding The Great Seneca Plan: Connecting Life and Science Working Draft. Further information can be found in the Staff Report dated January 17, 2024.

Ms. Hill discussed the Plan milestones to date, and stated the Working Draft of the Great Seneca Plan focuses on strengthening the economic competitiveness of the Life Sciences Center through mixed-use development, public realm improvements, equitable access, and implementation strategies.

Ms. Hill discussed the Plan Area stating it includes several distinct geographic areas including: the Life Sciences Center, Quince Orchard, National Institute of Standards and Technology (NIST), Londonderry-Hoyles Addition, Rosemont, Oakmont, Walnut Hill, Washingtonian Light Industrial Park, Washingtonian Residential, and Hi Wood. Ms. Hill also discussed the Plan Area demographics, average rental housing rates, community input, planning analysis, guiding plans and policies, and overarching principles of Thrive Montgomery 2050 incorporated into the draft Plan.

Ms. Hill stated the Plan's recommendations are organized in the themes of the built, social, natural, and economic environments; and provide guidance for land use, zoning, urban design, transportation, parks, trails, public open space, economy, environment, and implementation.

Ms. Hill gave an overview and discussed the Plan's preliminary recommendations in greater detail for each of the geographic areas listed above. Ms. Sanders also noted the analyses and findings provided by the consultant for the Life Science Land Use and Real Estate Compatibility Study were used to help guide the Plan Working Draft as well.

The Board asked questions regarding the preliminary recommendations for the Life Sciences Center including validity periods, number of projects still outstanding, if refusal to grant further

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extensions could potentially force action, and the potential for incentivizing small space within larger companies for incubator/start-up companies.

Staff, including Planner III, Ben Kraft, offered comments and responses to the Board's questions.

The Board also asked for clarification of the new zoning for the Washington Residential area, and if the "T" zoning changes height and density. Ms. Hill offered comments and responses.

The Board offered further comments and suggestions regarding exploring opportunities to build more housing within the R-200 zoned areas, consideration of up-zoning areas to obtain more density, and more flexible residential zoning for the Quince Orchard area.

The Board also requested a site tour before future work sessions and further discussion.

Item 9. State Legislative Update

- A. HB 0013/SB 199 Residential Property – Affordable Housing Land Trusts – Authority to Establish Condominium Regimes
Recommendation: Support
- B. HB 0028 Passenger, Truck, and Multipurpose Vehicles – Annual Registration Fees (Pedestrian Fatality Prevention Act of 2024)
Recommendation: Support
- C. HB 0135 Transportation – Maryland Transportation Authority – Pedestrian and Bicycle Safety and Accessibility
Recommendation: Support with amendments
- D. HB 0457 Environment – Synthetic Turf – Chain of Custody
Recommendation: Support
- E. SB 484 Gov’s Housing – Land Use Bill
Recommendation: Support with amendments

D. Borden

A. BOARD ACTION

Motion: Hedrick/Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support HB 0013.

B. BOARD ACTION

Motion: Hedrick/Linden

Vote: 3-1-1

Other: Vice Chair Pedoeem abstained and Commissioner Bartley voted Nay.

Action: Approved Staff recommendation to Support HB 0028, with amendments and recommendation the additional funds from the increase of fees be directly used to fund the Pedestrian Fatality Prevention Act.

C. BOARD ACTION

Motion: Pedoeem/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support HB 0135, with amendments.

D. BOARD ACTION

Motion: Pedoeem/Linden

Vote: 5-0

Other:

Action: Approved Staff recommendation to Support HB 0457.

E. BOARD ACTION

Motion: Linden/Pedoeem

Vote: 4-0-1

Other: Commissioner Bartley abstained.

Action: Approved Staff recommendation to Support SB 484, with amendments.

Debra Borden, General Counsel, gave an overview and update on the current legislation.

Ms. Borden gave an overview and discussed Bills HB 0013, HB 0028, HB 0135, HB 0457, and SB 484 in greater detail.

The Board asked questions regarding Bill HB 0013 clarifying the affordable housing would be in the form of condominiums and whether it will allow individuals to purchase condominium units or allow the State/County to purchase condominiums. Ms. Borden offered comments and responses to the Board's questions.

The Board held discussion and asked questions regarding Bill HB 0028 including clarification of monetary increases and vehicle weights, additional fees causing potential hardship, whether the additional fee will be included with vehicle registration fees, and if the additional fees received will be allocated to a specific fund.

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.

The Board offered further comments regarding studies and correlation between bigger vehicles and safety risks, need for other measures of safety and protection, potential for gradual fee increase, and consumer choice of vehicle size. and

A motion to support Bill HB 0028 with amendments and recommendation allocating additional funds received be directly used to fund the Pedestrian Fatality Prevention Act was ultimately made

The Board asked for clarification of Bill HB 0135 regarding the prohibition of pedestrians/bicyclists using State routes. Ms. Borden, Mr. Sartori, and Mr. Anspacher offered comments and responses to the Board's questions.

Lisa Govoni, Acting Housing, Infrastructure, and Zoning Supervisor, gave an overview of the proposed amendments and comments for Bill SB 0484 including the effective date and Sections 4-104, 7-501 Definitions, 7-502, 7-503, 7-504, 7-505, 7-506, 10-103, and 7-105.

The Board asked questions regarding language within the County Code regarding appearance or character, authority over the character or compatibility of modular homes, identification of potential locations within Montgomery County, if the affordable units will be responsible to pay impact taxes, and if the Bill would cause zoning laws to potentially be rewritten.

Ms. Borden, Mr. Sartori, and Ms. Govoni offered comments and responses to the Board's questions.