



Pre-Preliminary Plan 720110010, Phyllis Jones Property

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Revised: 2/23/12

Description

Pre-Preliminary Plan No. 720110010:

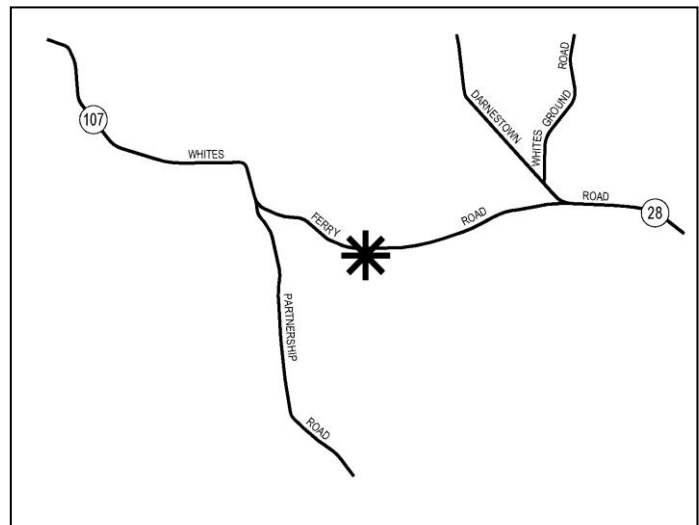
Phyllis Jones Property

One child lot requested for one (1) one family detached residence; Located at 17800 Whites Ferry Road, Poolesville, 500 feet west of Morrow Road; RDT Zone; 25.24 acres, Preservation of Agriculture & Rural Open Space Master Plan.

Staff Recommendation: Approval with conditions.

Applicant: Phyllis Jones

Date Submitted: August 3, 2011



Summary

This application is a request to create one child lot of 2.0 acres from a 25.24 acre parcel zoned RDT. It is located on the south side of Whites Ferry Road, 500 west of Morrow Road, Poolesville, in the Preservation of Agriculture and Rural Open Space Master Plan.

Access to the property is from Whites Ferry Road. The existing house on the parent parcel will remain and both dwellings will be served by wells and sand mounds. On July 24, 2008, the Planning Board denied a similar application for a child lot of 4.0 acres on the property. The applicant has reduced the size of the proposed lot by 50% and has modified the plan to address the issues raised by the Board. The application is in accord with the amended Section 59-C-A-9.41.1. approved by the County Council in 2011.

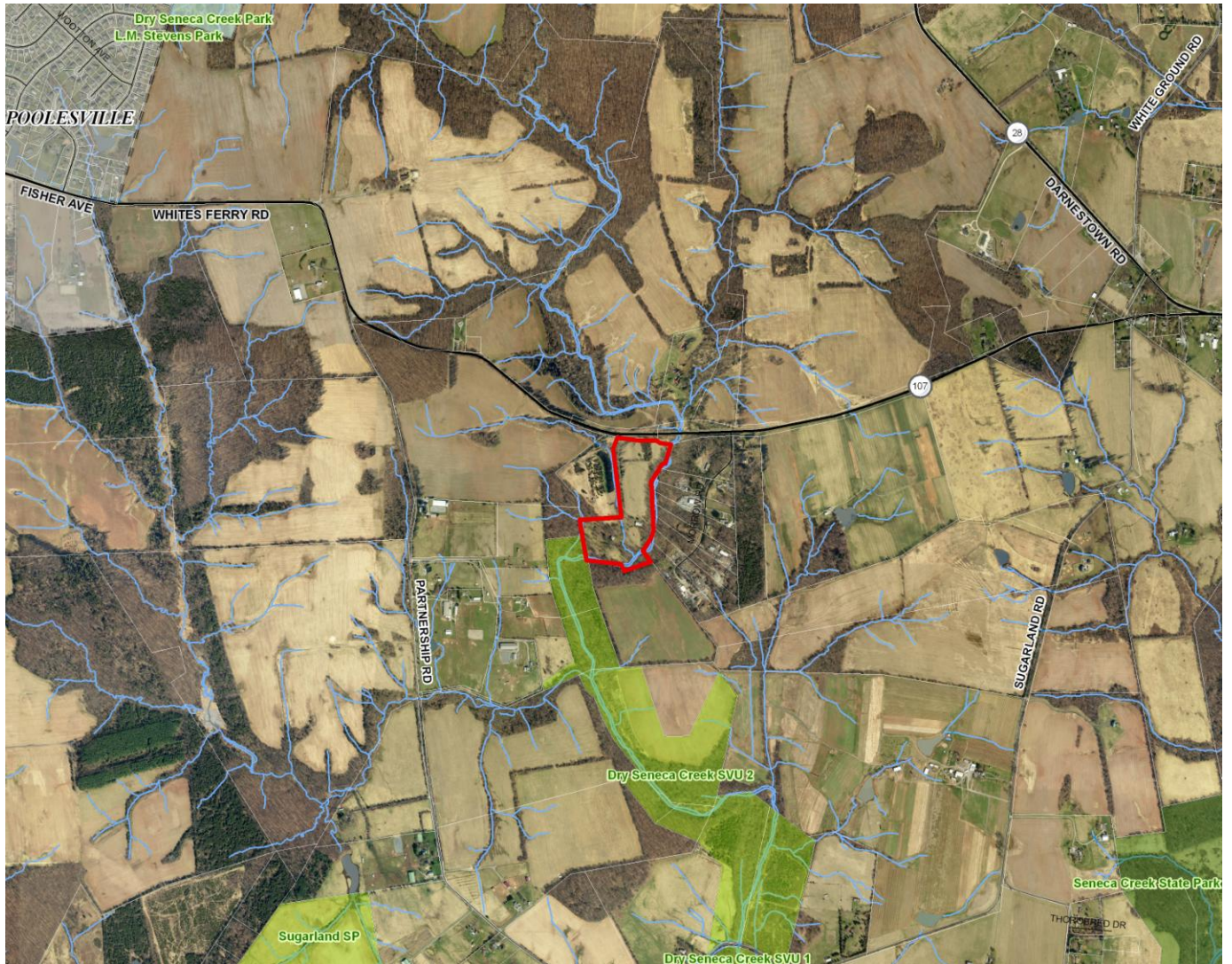
RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this pre-preliminary plan is limited to one lot for one detached dwelling unit.
- 2) The applicant must comply with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services (MCDPS), as applicable. These conditions are as follows:
 - a. A Category 1 Conservation Easement for the ~~0.93~~ **0.54 acres** of forest retention and the ~~0.80 acres of reforestation~~ must be recorded by ~~deed~~ **record plat** prior to the release of the sediment and erosion control permit.
 - ~~b. The Category 1 Conservation Easement document for the 1.73 acres of forest retention and reforestation shall reference the existing Scenic Easement (Liber 5594 Folio 509) on the property and note that the Category 1 Conservation Easement supersedes the Scenic Easement in the areas where they overlap.~~
 - ~~c. Financial security must be submitted prior to clearing and grading.~~
 - ~~d. The 0.80 acres of afforestation are subject to a 2 year maintenance and management agreement which must be submitted to M-NCPPC prior to the pre-planting inspection.~~
 - b. Inspections by M-NCPPC staff consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.**
- 3) The applicant must comply with the MCDPS conditions of approval for well and septic, as stated in the staff memo of January 10, 2012. These conditions may later be amended by MCDPS, as long as they do not conflict with the pre-preliminary plan.
- 4) The record plat must reflect common/ingress and utility easements over the shared driveway.
- 5) The applicant must address storm water management at the sediment control stage, as per the MCDPS approval of August 31, 2011.
- 6) An easement must be recorded for the balance of the property noting that a TDR has been utilized for the child lot. Reference to this easement must be reflected on the record plat

SITE DESCRIPTION

This pre-preliminary plan application pertains to a 25.24-acre site (“Property” or “Subject Property”) at 17800 Whites Ferry Road, 500 feet west of Morrow Road. The Property, depicted below, is zoned RDT and is an unrecorded parcel (P788). The site is in the Dry Seneca Creek Watershed (Use I-P) and a stream buffer, 100-year floodplain, scenic easement and steep slopes are located on the property. A one-family detached dwelling unit and horse barn occupy the southern portion of the property while the northern portion of the site is a fallow field currently being mowed for hay.

The Property contains approximately 15.8 acres of prime agricultural soils. The scenic easement was created in 1980 between the applicant and MNCPPC to preserve scenic views, natural conditions, open spaces, green areas, animal refuges, and the natural habitat and flora and fauna of Dry Seneca Creek. The easement covers approximately 10 acres on the east and south sides of the Property.



PROJECT DESCRIPTION (Attachment B – Proposed Development Plan)

This applicant requests approval to create a 2.0-acre lot to accommodate a one-family detached dwelling unit for a child of the property owner via the minor subdivision process outlined in Section 50-35A(a)(8) of the Subdivision Regulations. The proposed 2.0-acre lot is located on the northernmost part of the property. The applicant does not propose to record the 23.24-acre farm remainder. A sand mound septic system and well are proposed to serve the new dwelling unit; sand mound sites are also proposed to serve as the back-up fields should the septic serving the existing home fail. The sand mound sites were approved by the Department of Permitting Services Well and Septic Section on January 20, 2012.

Three Transferable Development Rights (TDRs) were severed from this property on July 31, 1990, leaving 2 intact for the existing and proposed residential dwellings. The applicant intends for her daughter and her daughter's family to continue the hay production on the site. (Attachment C – Applicant's Statement of Justification).

The Foreword, reads, in part: “[t]his plan focuses on the preservation of farmland but it also tries to establish a policy framework that will contribute to the continuation of farming in the County” (emphasis added).

“The critical land use issue in this Plan is the loss of productive farmland; the focus is the identification and application of land use regulations and incentives to help retain agricultural land in farming” (emphasis added). (pg. 8)

“Farmland and open space are irreplaceable and valuable natural resources, and should be protected” (emphasis added). (pg. 25)

“It is in the public interest to preserve farmland. Farmland preservation not only involves the preservation of individual farms, productive soils and a way of life, but it meets a variety of national, regional, state, and local objectives. The need to protect farming in a County that already provides for a balanced series of growth alternatives can be justified in seven broad public purpose areas:

- A. Control of Public Costs and Prevention of Urban Sprawl
- B. Adherence to County Growth Management Systems
- C. Preservation of Regional Food Supplies
- D. Energy conservation
- E. Protection of the Environment
- F. Maintenance of Open Space
- G. Preservation of Rural Life-Styles” (pg.27)

“Since farmland preservation serves a series of public purposes, Montgomery County must commit itself to the preservation of farmland...In the absence of a specific preservation effort, farmland will continue to be converted to residential, commercial, and industrial uses.” (pg. 31)

The property falls within the Agricultural Reserve area described in the AROS plan. The plan describes the Reserve as an area that “includes the majority of the remaining working farms, as well as other land uses that will serve to define and support those working farms” (p. 38), and as areas that “contain a critical mass of productive farmland worthy of protection, as well as other non-farmland uses which serve to support and define the critical mass” (p. 41). The plan recommends RDT zoning and transfer of development density to help preserve farmland and agricultural uses in these areas. The purpose clause of the RDT zone also speaks to this intent:

“The intent of this zone is to promote agriculture as the primary land use * * *. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to designated receiving areas. * * * Agriculture is the preferred use in the Rural Density Transfer zone.”

At 25.24 overall acres, the Property is at the minimum acreage typically considered suitable for a working farm, but aerial photographs indicate that the Property has been in agricultural use from at least 1951 to 2006. The applicant’s Statement of Justification for this application indicates that the farm was an equestrian operation from 1966 until 2004. Currently, the Property is being mowed for hay

and the applicant states that approval of the proposed child lot will allow this current agricultural use to continue.

The proposed child lot has been reduced in size from 16% to 7.9% of the Property and will not significantly reduce the area available for farming. There are approximately 15.8 acres of prime agricultural soils on this 25.24-acre property. Currently, about 9.2 acres are producing hay, of which about 6.8 acres are prime soils.

This amended plan is designed to minimize lot size, minimize fragmentation of the property, and maximize the viable farmland. It meets the intent of Section 59-C- 9.41.1. and substantially conforms with the AROS Master Plan and the purpose of the RDT zone.

Sand Mounds

The Planning Board has taken a position in the past that the AROS Master Plan does not support the use of sand mounds to facilitate residential development. The Board has assessed the use of sand mounds in the RDT zone on a case by case basis. The Board has approved plans where sand mound technology is the only alternative to replace a failing standard septic system or to facilitate inter-generational transfer of farmland with bona fide child lots. In this instance, sand mounds are proposed to serve as a back-up field for the existing house on the proposed farm remainder as well as for the proposed child lot by way of an offsite easement on the parent parcel.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50 ("Subdivision Regulations") and Chapter 59 ("Zoning Ordinance"). Access and public facilities will be adequate to support the proposed lot and use, and the lot meets the dimensional requirements for area, frontage, width and setbacks in the RDT zone.

Section 50-35(8) requirements

The proposed lot is to be platted pursuant to Section 50-35A(a)(8) of the Subdivision Regulations. This section establishes the ability to plat up to five (5) lots in the RDT zone through the minor subdivision process after Planning Staff or Planning Board approval of a pre-preliminary plan. Applications for minor subdivision under Section 50-35A(a)(8) must meet the following criteria:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lot(s) must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDR's have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots;
- d. Lots created in the RDT zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision; and
- e. Forest conservation requirements must be satisfied prior to recording of the plat.

With regards to provision (a), the sand mound sites were approved by the Department of Permitting Services Well and Septic Section on January 12, 2012. For provision (b), additional right-of-way dedication is not required for Whites Ferry Road along the property frontage because existing right-of-way for the road is considered adequate. Item (c) is a condition of approval. At 2.0 acres, the proposed child lot does not exceed 5 acres and, therefore, satisfies provision (d). Finally, a forest conservation plan was approved by Environmental Planning Staff on May 20, 2008, and the pre-preliminary plan meets all applicable requirements for protection of environmentally sensitive areas.

Density in the RDT zone

Per Section 59-C-9.41.1. of the Zoning Ordinance, a child lot above the density of one one-family dwelling unit per 25 acres is allowed in the RDT zone only if certain requirements are satisfied. The property owner must have:

- a. Recorded title to the property before January 7, 1981;
- b. Personally applied for approval to create the lot; and
- c. Retained a development right for each lot.

One child lot is allowed on a tract of land of at least 25 acres and must be no larger than the minimum area necessary for approval of well and septic.

The application meets all of these criteria.

Parks

A portion of the Subject Property is master planned for MNCPPC park acquisition. The Property affords an immediate connection from existing park property to a state highway and an opportunity to ensure greater water quality protection of Dry Seneca Creek. Staff is of the opinion that approval of one lot will not preclude eventual acquisition of the desired parkland by MNCPPC. The proposed child lot will not result in tree loss. The Parks Department remains in a position to negotiate for all or part of the Property should the Board approve this application.

Public Facilities

Roads and Transportation Facilities

The proposed lot and farm remainder do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Additional right-of-way dedication is not required for Whites Ferry Road and a sidewalk is not required along the property frontage. Access to the new dwelling unit is proposed as an extension of the existing driveway; additional access points from Whites Ferry Road are not proposed. Vehicle and pedestrian access for the subdivision will be safe and adequate.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed lot. A well and sand mound septic system is proposed to serve the new dwelling unit. Gas, electrical and telecommunications services are available to serve the Property. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools,

police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The application is not within a school moratorium area and is not subject to a School Facilities Payment.

Environment

The plan meets all applicable requirements for protection of environmentally sensitive areas. A Preliminary forest conservation plan has been approved deemed acceptable by Environmental Planning Staff. The plan does not include any forest clearing and includes 0.80 acres of afforestation within or impact to the environmental buffer on the farm remainder portion of the Property. If the application is approved and proceeds to the building permit stage, the applicant will be required to address storm water management at the sediment and erosion control permit stage.

Historic Preservation

The Property lies diagonally across Whites Ferry Road from the Darnall Colonial Farm. It is an individually designated site referred to as Darnall Place (Site #18/21) in the *Master Plan for Historic Preservation*. Darnall Place is also listed on the National Register for historic sites and is a farm complex of four small 18th century stone buildings, a 19th century frame wagon shed/corn crib, a 20th century concrete block barn, and three late-19th or early-20th century frame sheds. Historic Preservation staff reviewed the Phyllis Jones Property and its relation to Darnall Place and determined that the proposed lot would not adversely impact the historic property.

CITIZEN CORRESPONDENCE AND ISSUES

The applicant notified adjacent and confronting property owners of the pre-preliminary plan submission, as required. To date, staff has not received any responses.

CONCLUSION

The proposed child lot meets the requirements established in the Subdivision Regulations, complies with Section 59-C-9.41.1. of the Zoning Ordinance, and complies with the recommendations of the Master Plan for Preservation of Agriculture and Rural Open Space.

Attachments

- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Applicant’s Statement of Justification
- Attachment D – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Phyllis Jones Property				
Plan Number: 720110010				
Zoning: RDT				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Pre-Preliminary Plan				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	2.0 acres	CM	2/13/12
Lot Width	125 ft.	303 ft. is minimum proposed	CM	2/13/12
Lot Frontage	25 ft.	303 ft. is minimum proposed	CM	2/13/12
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	CM	2/13/12
Side	20 ft. Min./40 ft. total	Must meet minimum ¹	CM	2/13/12
Rear	35 ft. Min.	Must meet minimum ¹	CM	2/13/12
Height	50 ft. Max.	May not exceed maximum ¹	CM	2/13/12
Lot Coverage	10% Max.	4 %	CM	2/13/12
Max Residential d.u. per Zoning	1 dwelling unit	2 dwelling units	CM	2/13/12
MPDUs	No		CM	2/13/12
TDRs	Yes	3 available	CM	2/13/12
Site Plan Req'd?	No		CM	2/13/12
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	CM	2/13/12
Road dedication and frontage improvements		No	Agency letter	4/16/07
Environmental Guidelines		Yes	Staff memo	5/6/08
Forest Conservation		Yes	Staff memo	5/20/08
Master Plan Compliance		Yes	Staff Report	2/13/12
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		At sediment control stage	Agency memo	8/31/11
Water and Sewer (WSSC)		N/a		
10-yr Water and Sewer Plan Compliance		N/a		

Well and Septic	Yes	Agency memo	1/20/12
Local Area Traffic Review	N/a	Staff memo	4/16/07
Policy Area Mobility Review	N/a	Staff memo	4/16/07
Transportation Management Agreement	No	Staff memo	4/16/07
School Cluster in Moratorium?	No		
School Facilities Payment	No		
Fire and Rescue	Yes	Agency memo	12/30/11
Other (i.e., schools)			



POOLESVILLE

FISHER AVE

WHITES FERRY RD

PARTNERSHIP RD

MC BRIDGES

SUGARLAND RD

DARNESTOWN RD

WHITE GROUND

THORBRED DR

Dry Seneca Creek Park
L.M. Stevens Park

Sugarland SP

Dry Seneca Creek SVU 2

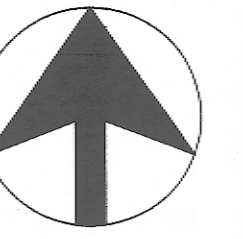
Dry Seneca Creek SVU 1

Seneca Creek State Park

28

107

06/26/11
08/12/11
01/09/12



date: 8/24/10
scale: 1" = 100'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)944-0000



PRE-APPLICATION PLAN
PHYLLIS JONES PROPERTY
Montgomery County, Maryland

Montgomery County
JAN 12 2012
Planning Department

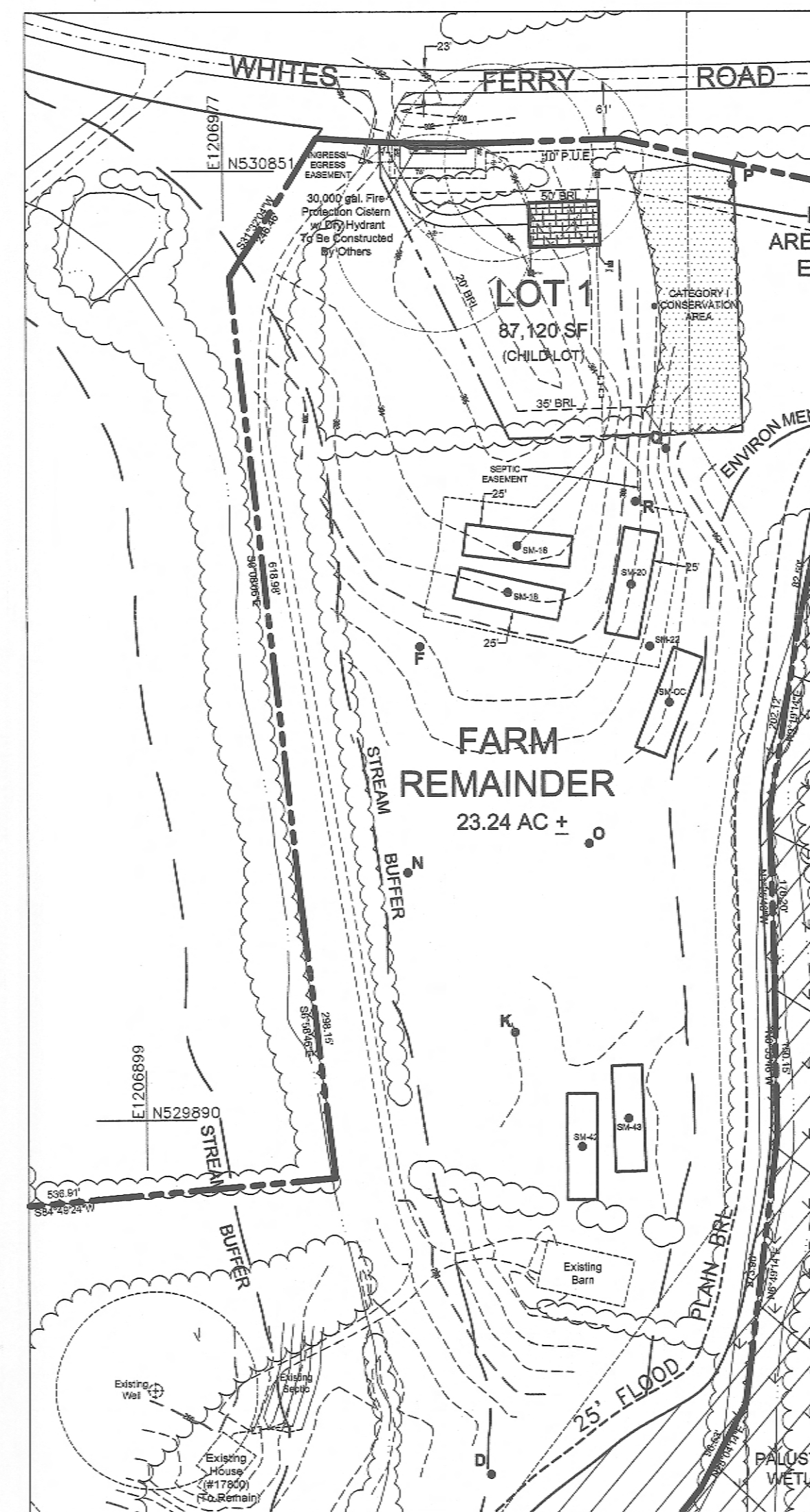
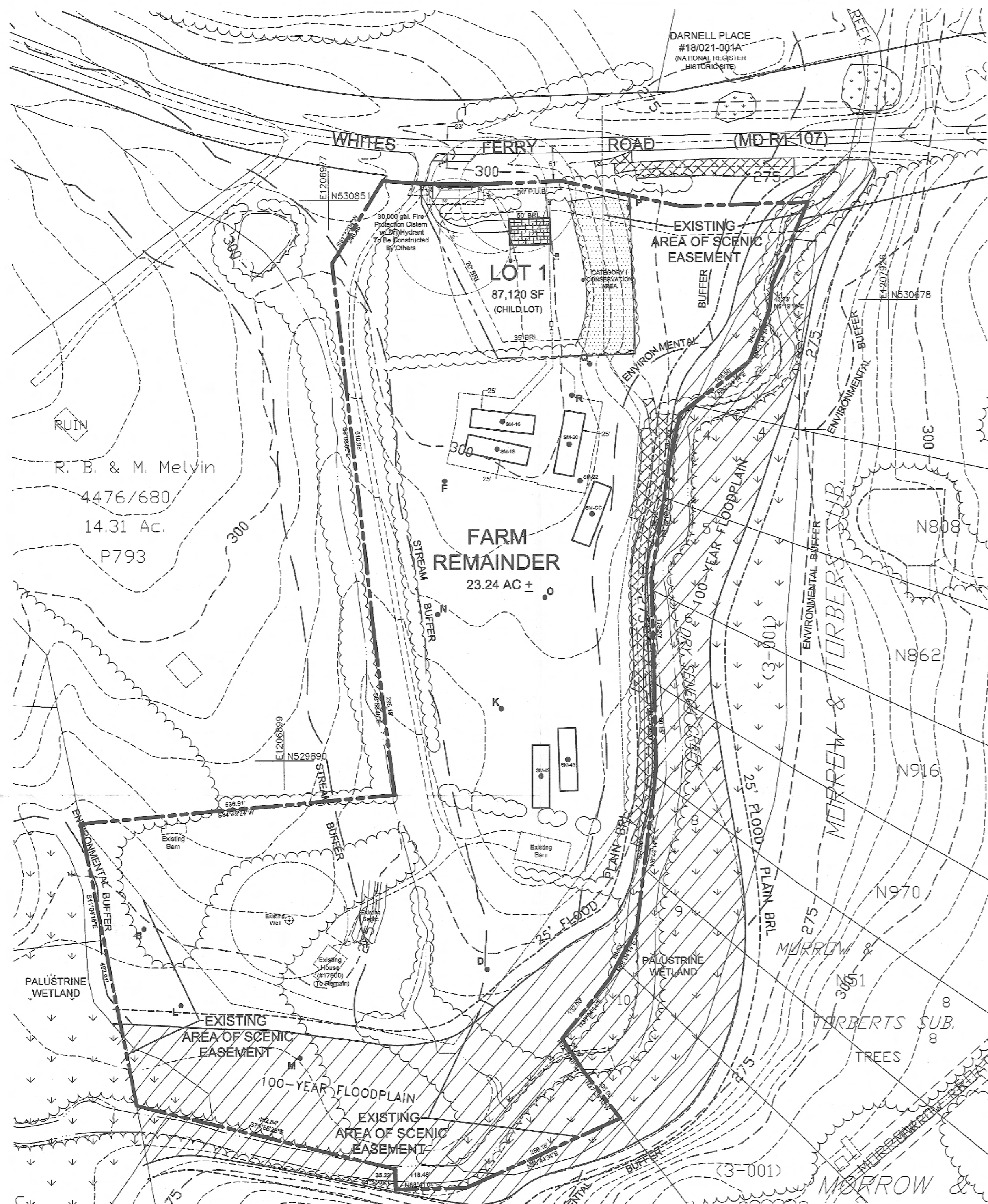
- NOTES:**
1. AREA OF PROPERTY - 25.24 ACRES
 2. EXISTING ZONING - RDT
 3. NUMBER OF LOTS SHOWN - 1 child lot (in accordance with Section 59-C-9.74(b)(4)) & FARM REMAINDER
 4. AVERAGE LOT SIZE SHOWN - 2.00 ACRES
 5. SITE TO BE SERVED BY WELL & SANDMOUND SEPTIC SYSTEMS
 6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
 7. LOCATED IN DRY SENECA CREEK WATERSHED
 8. DEVELOPMENT STANDARDS:
Frontyards - 50'
Sideyards - 20'
Rearyards - 35'
Minimum Lot size - 40,000 sf
 9. PROPERTY LOCATED ON TAX MAP C863; WSSC GRID SHEET 222NW18
 10. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Allegheny Power
 11. ALL WELLS AND SEPTIC SYSTEMS WITHIN 100 FEET OF THE PROPERTY BOUNDARIES HAVE BEEN SHOWN ON THE PLAN

ZONING STANDARDS:

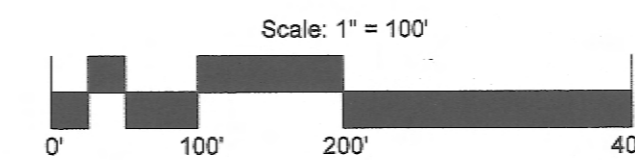
ZONE: RDT	Req.	Prov.
Lot Size	40,000 sf	87,120 sf
Front Setback	50'	50' or more
Sideyards	20'	20' or more
Rearyard	35'	35' or more
Building Height	50' Max.	50' or less
Lot Coverage	25% Max.	4%
Lot Width @ Building Line	150'	303'
Frontage	150'	303'

- NOTES:**
- 1) SOURCE OF APPROXIMATE WETLANDS LOCATION- NATIONAL WETLANDS INVENTORY (NOT A FIELD DELINEATION).
 - 2) SOURCE OF 100 YEAR FLOODPLAIN DATA: JON SHIANCQE, P.E. JAS ENGINEERING & DESIGN, LLC 5105 MOUNT OAKS SANCTUARY DRIVE BOWIE, MARYLAND 20720 301-262-1830
 - 3) SOURCE OF FIVE FOOT CONTOUR INTERVAL TOPOGRAPHY: M-NCP&PC SHEET 222NW18
 - 4) SOURCE OF TWO FOOT CONTOUR INTERVAL TOPOGRAPHY: THOMAS A. MADDOX, PROFESSIONAL LAND SURVEYOR 6533 SHADY GROVE COURT GAITHERSBURG, MARYLAND 20877 301-984-5804

"The building footprints shown on the Pre-Application Plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as, setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."



DETAIL VIEW : TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY
1" = 100'



- SEPTIC SYSTEM DESIGN: LOT 1**
1. Type of system - Sand Mound
 2. Percolation Test Rate - 60 min/in
 3. Number of Bedrooms - 6
 4. Design Rate - 900 gpd/af
 5. Slope in Mound Area - 1.0%
 6. Sand Bed Dimensions - 9' x 83.3'
 7. Total Mound Dimensions - 34.5' x 106.0'
- SEPTIC SYSTEM DESIGN: FARM REMAINDER**
1. Type of system - Sand Mound
 2. Percolation Test Rate - 60 min/in
 3. Number of Bedrooms - 6
 4. Design Rate - 900 gpd/af
 5. Slope in Mound Area - 1.0%
 6. Sand Bed Dimensions - 9' x 83.3'
 7. Total Mound Dimensions - 31.2' x 107.7'

SEWAGE DISPOSAL SYSTEM - DESIGN DATA:

LOT	# Bed-rooms	Test Site	Time (min.)	Depth of Tests	Test Site	Time (min.)	Depth of Tests	Test Site	Time (min.)	Depth of Tests	Inv. Low Fixture	Inv. In	Inv. Out
1	6	SM-18	40 MPI	16"	SM-18	60 MPI	17"	SM-20	44 MPI	17"	307.3	302.4	302.1
Farm Remainder	6	SM-CC	60 MPI	14"	SM-42	44 MPI	16"	SM-43	60 MPI	16"	Ex.	Ex.	Ex.

NOTE: EXISTING SEPTIC SYSTEM INSTALLED IN 1968 UNDER PERMIT A-4657 FOR THE EXISTING DWELLING ON THE FARM REMAINDER.

SEPTIC SYSTEM NOTES:

A. SAND MOUNDS (non-easement):

The sand mound septic areas shown on this plan are intended for the initial and future use of the dwelling to be served. It is imperative that all the sand mound sites be protected from physical damage until such time, if ever, that the property is served by a public sewer system. There must be no disturbance of the native soil, including but not limited to compaction, grading, cut or fill, etc., for the area of the mounds and the area within 25 feet of each mound. Any such disturbance may render the septic approval of the lot void; or may revoke the property owner's ability to expand the use of the property. Each sand mound site must be maintained with an approved vegetative cover such as grass, wild flowers, or a leafy groundcover. No trees or shrubs are allowed. (In cases where sand mounds have been approved on wooded sites, the trees must remain undisturbed until such time that the sand mound needs to be constructed. At that time, the trees must be cut flush with the ground surface and the stumps allowed to remain.) Vehicle traffic over the mound sites is to be limited to mowing equipment only.

Sand mound (reserve) sites located on agricultural land may continue to be farmed using typical best management practices, including tillage.

B. SAND MOUND EASEMENTS:

The sand mound septic areas shown on this plan are intended for the initial and future use of the dwelling to be served. It is imperative that all the sand mound sites be protected from physical damage until such time, if ever, that the property is served by a public sewer system. There must be no disturbance of the native soil, including but not limited to compaction, grading, cut or fill, etc., for the area of the mounds and the area within 25 feet of each mound. Any such disturbance may render the septic approval of the lot void; or may revoke the property owner's ability to expand the use of the property. Each sand mound site must be maintained with an approved vegetative cover such as grass, wild flowers, or a leafy groundcover. No trees or shrubs are allowed. (In cases where sand mounds have been approved on wooded sites, the trees must remain undisturbed until such time that the sand mound needs to be constructed. At that time, the trees must be cut flush with the ground surface and the stumps allowed to remain.) Vehicle traffic over the mound sites is to be limited to mowing equipment only." In the case where the sand mounds are located on an easement, the owner of the property that includes the easement has a special obligation to preserve the integrity of the sand mound sites. The sand mounds proposed for the easement area shall be the primary use of the area encumbered and the property owner is precluded from conducting any land use activities that could reduce the ability of the land to perform the primary function. Any damage done to the sand mound easement area could make the property owner subject to civil penalties. Contact the Montgomery County Department of Permitting Services, Well & Septic Section, or its successor agency with any questions regarding these areas.

C. PROTECTION OF MOUNDS DURING CONSTRUCTION:

All approved sand mound sites shall be efficiently protected from grading or other disturbance through the installation of orange tree protection fencing (or other approved material) around the perimeter of each sand mound site by the developer. Installation of the protective fencing must be completed by the developer and inspected by the Well and Septic Section (MCDPS) prior to approval of any permits for the lots. The fencing must remain in place until all construction on the property is completed.

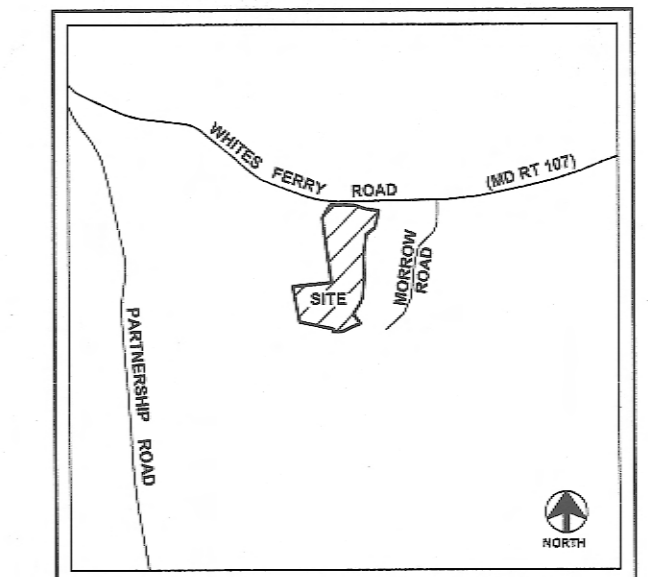
Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations. I also certify that test sites shown on this plan have been field surveyed and are shown accurately.

Signature: *[Signature]* Date: 1/9/2012



PREPARED FOR:
Phyllis Jones
17800 WHITES FERRY ROAD
POOLESVILLE, MARYLAND 20837
301-519-0161

VICINITY MAP
SCALE: 1" = 2,000'



PHYLISS JONES PROPERTY - STATEMENT OF JUSTIFICATION

Pursuant to the Development Manual, the Applicant, Phyllis Jones, submits the following statement in support of her application:

In accordance with Section 50-35A(8) of the Montgomery County Code, the Minor Subdivision Process is proposed to be utilized to create one new residential lot from the Subject Property. The proposed lot is to be a "child lot" for the applicant's adult daughter Octavia Jamison (maiden name Jones) in accordance with Section 59-C-9.74(b)(4).

The Subject Property is a 25.24 acre parcel of land in the Rural Density Transfer (RDT) Zone, known as Parcel P788, having an address of 17800 Whites Ferry Road, Poolesville, Maryland. The land use recommendations for the Subject Property are found in the Agricultural Rural Open Space Master Plan, which was approved and adopted in October 1980.

Summary of Title

The Subject Property was acquired by Deed in July 1965 by the Applicant. In August 1980 a scenic easement was entered into between the Applicant and the Maryland-National Capital Park and Planning Commission (M-NCPPC) for a portion of the Subject Property. In 1990 the Maryland State Highway Administration acquired 2.782 acres from the Applicant for widening improvements to Whites Ferry Road. Therefore, the Subject Property now contains 25.2395 acres, a portion of which is subject to the M-NCPPC scenic easement.

Compliance with the Master Plan

The Agricultural Rural Open Space Master Plan does not identify the Subject Property and contains no site specific recommendations. The Master Plan does include general recommendations for preservation of farmland and rural open space for the area in which the Subject Property is located. The Master Plan also recommends that this area maintain lower densities for the protection of agriculture, environmental features, and residential uses of a rural character.

The Subject Property has been owned by Phyllis Jones, and her now deceased husband, Charles O. Jones, since July 1965. The Applicant and her late husband built a home and barn structures to facilitate agricultural uses on the Subject Property. In 1966 they began to occupy the property with their daughter, Octavia Jones (now known as Jamison). Ms. Jones has lived on the Subject Property since 1966.

Prior to 1985 the Subject Property was used for show horses, steeplechase horses, and breeding stock. There was some commercial boarding of horses on site as well. In 1985 the Applicant's husband passed away and at that time they stopped showing and breeding horses. Horses remained on the property for the recreational enjoyment of the Applicant, her daughter, and her grandchildren.

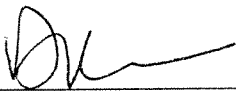
In 2004 the Applicant suffered from a bad fall while riding and was severely injured. The horses were sold at that time and the property has been utilized for hay cultivation to support the equestrian community. It is the Applicant's intention to continue to maintain the property and to have her daughter, son in law, and grandchildren that all have extensive backgrounds in agriculture, to continue the hay production.

The proposed development is low-density in character and allows enough land area on both the lot and the remainder parcel to facilitate private agricultural uses, which are intended by the Applicant.

Zoning

The proposed subdivision meets all requirements of sections 50-35A(8) (*Minor Subdivision*) and 59-C-9.74(b)(4) (*child lots*). In addition, the proposed lot meets or exceeds and/or will meet all development standards of the RDT zone including lot size, lot coverage, and setback requirements. No waivers of any zoning, subdivision, or road code requirements are requested.

I hereby certify that the information set forth herein is true, complete, and correct to the best of my knowledge, information, and belief.

By: 
David W. McKee, Benning & Associates

Date: 7-21-11



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

MEMORANDUM

January 20, 2012

TO: Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Diane R. Schwartz Jones, Director *G. van Benth,*
Department of Permitting Services *For: D.S.J.*

SUBJECT: Status of Pre-Application Concept Plan: Phyllis Jones Property
7-20110010

This is to notify you that the Well & Septic Section of MCDPS approved the subject plan received on January 10, 2012

Approved with the following reservations:

1. The Preliminary plan must be at the same scale as the Pre-Application plan, or submit an enlargement of the Preliminary to match the Pre-Application plan. All sandmound septic reserve areas must be shown as approved on the Pre-Application plan.
2. The record plat must be at the same scale as the Preliminary plan, or submit an enlargement of the plat to match the Preliminary plan. All sandmound septic reserve areas must be shown as approved on the Pre-Application plan.
3. All lots to use sandmound septic systems. Prior to the approval of any permits for the lots, all sandmound areas must be fenced with 4-foot high "orange construction fencing" which must remain in place until all construction has been completed.
4. Any physical disturbance or compaction of a sandmound site could render that site non-functional and therefore negate this approval.

If you have any questions, please contact Kim Beall at (240) 777-6315.

cc: Benning & Associates
File





FIRE MARSHAL COMMENTS

DATE: 30-Dec-11
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Phyllis Jones Property
720070300 720110010

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **30-Dec-11**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: August 31, 2011

MEMO TO: Catherine Conlon, Supervisor for
Development Review Committee, MNCPPC

FROM: William Campbell, Senior Permitting Services Specialist
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review
Preliminary Plan Pre 720110010 ; Phyllis Jones Property
Subdivision Review Meeting September 6, 2011 SWM File # NA
DPS Reviewer NA

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site:** CPv WQv Both ESD
 CPv < 2cfs, not required
 Waiver: CPv WQv Both ESD
 On-site/Joint Use Central (Regional): waived to
 Existing Concept: Approved Date,
 Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Underground Detention Non Structural Practices Other

FLOODPLAIN STATUS: 100-Year Floodplain On-Site Yes No Possibly

- Provide the source of the 100-Year Floodplain Delineation for approval:
 Source of the 100-Year Floodplain is acceptable.
 Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.
 Dam Breach Analysis Approved Under Review
 100 yr. floodplain study Approved Under Review

SUBMISSION ADEQUACY COMMENTS:

- Downstream notification is required.
 The following additional information is required for review: _____

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter).
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for outcome of the SWM Concept review.
 Comments/Recommendations: _ Address Storm Water management at the time of detailed plan review.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

VOID

May 20, 2008

Phyllis Jones
17800 Whites Ferry Road
Poolesville, MD 20837

Re: Final Forest Conservation Plan: SC2008002
Property Name: Phyllis Jones Property
Tract size/Zone: 25.24 Acres/RDT

Dear Applicant:

Based on the review by Environmental Planning staff of the Maryland National Capital Park and Planning Commission, the final forest conservation plan mentioned above is approved. The final forest conservation plan consists of 0.93-acres of forest saved, 0.00-acres of forest removed, and 0.80-acres of reforestation required. The following items will need to be addressed prior to any clearing or grading occurring on-site:

1. Inspections consistent with Section 110 of the Forest Conservation Regulation.
2. A Category I Conservation Easement for the 0.93 acres of forest retention and the 0.80 acres of reforestation must be recorded by deed prior to the release of the sediment and erosion control permit.
3. The Category I Conservation Easement document for the 1.73 acres of forest retention and reforestation shall reference the existing Scenic Easement (Liber 5594 Folio 509) on the property and note that the Category I Conservation Easement supersedes the Scenic Easement in the areas where they overlap.
4. Financial Security must be submitted prior to clearing and grading.
5. The 0.80-acres of afforestation are subject to a 2-year maintenance and management agreement which must be submitted to M-NCPPC prior to the pre-planting inspection.

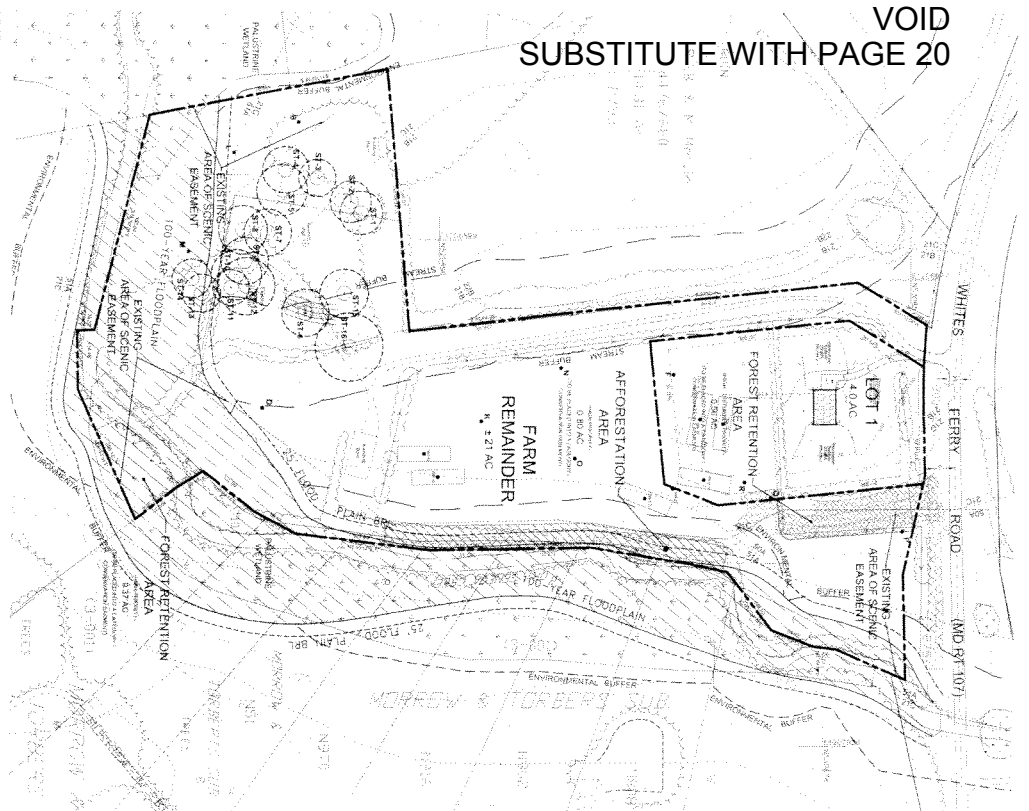
This letter must be attached to all reproduced copies of the approved final forest conservation plan. Any changes from the approved final forest conservation plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modifications planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring. If you have any questions regarding these actions, please feel free to contact Mary Jo Kishter at (301) 495-4701.

Sincerely,

Stephen Federline, Supervisor
Environmental Planning
Countywide Planning

Cc: Joshua Maisel

VOID SUBSTITUTE WITH PAGE 20



LEGEND:

- 1) SOURCE OF APPROXIMATE WETLANDS LOCATION: NATIONAL WETLANDS INVENTORY, NOT A FIELD SURVEILLATION
- 2) SOURCE OF 100 YEAR FLOODPLAIN DATA: JON SWANSON, P.E. DESIGN, LLC
- 3) SOURCE OF FOREST RETENTION PLAN: MONTGOMERY COUNTY, MARYLAND
- 4) SOURCE OF FOREST RETENTION PLAN: MONTGOMERY COUNTY, MARYLAND
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- 100) SOURCE OF FOREST RETENTION PLAN: MONTGOMERY COUNTY, MARYLAND

NET TRACT AREA

FOREST CONSERVATION WORKSHEET

Phyllis Jones Property

NET TRACT AREA

A. Total tract area: 25.24

B. Land dedication for forest conservation: 0.80

C. Land dedication for scenic easement: 0.80

D. Land dedication for floodplain: 0.80

E. Other deductions (if any): 0.00

F. Net Tract Area: 4.00

LAND USE CATEGORIES (from Forest Inventory Manual)

Identify the number "1" under the appropriate land use code to verify per acre.

AREA: 0.80, MUSE: 1.00, SPA: 0.40, HSP: 0.50, MPO: 0.00, CA: 0.80

1: 0.80, 2: 0.00, 3: 0.00, 4: 0.00, 5: 0.00, 6: 0.00, 7: 0.00, 8: 0.00, 9: 0.00, 10: 0.00, 11: 0.00, 12: 0.00, 13: 0.00, 14: 0.00, 15: 0.00, 16: 0.00, 17: 0.00, 18: 0.00, 19: 0.00, 20: 0.00, 21: 0.00, 22: 0.00, 23: 0.00, 24: 0.00, 25: 0.00, 26: 0.00, 27: 0.00, 28: 0.00, 29: 0.00, 30: 0.00, 31: 0.00, 32: 0.00, 33: 0.00, 34: 0.00, 35: 0.00, 36: 0.00, 37: 0.00, 38: 0.00, 39: 0.00, 40: 0.00, 41: 0.00, 42: 0.00, 43: 0.00, 44: 0.00, 45: 0.00, 46: 0.00, 47: 0.00, 48: 0.00, 49: 0.00, 50: 0.00, 51: 0.00, 52: 0.00, 53: 0.00, 54: 0.00, 55: 0.00, 56: 0.00, 57: 0.00, 58: 0.00, 59: 0.00, 60: 0.00, 61: 0.00, 62: 0.00, 63: 0.00, 64: 0.00, 65: 0.00, 66: 0.00, 67: 0.00, 68: 0.00, 69: 0.00, 70: 0.00, 71: 0.00, 72: 0.00, 73: 0.00, 74: 0.00, 75: 0.00, 76: 0.00, 77: 0.00, 78: 0.00, 79: 0.00, 80: 0.00, 81: 0.00, 82: 0.00, 83: 0.00, 84: 0.00, 85: 0.00, 86: 0.00, 87: 0.00, 88: 0.00, 89: 0.00, 90: 0.00, 91: 0.00, 92: 0.00, 93: 0.00, 94: 0.00, 95: 0.00, 96: 0.00, 97: 0.00, 98: 0.00, 99: 0.00, 100: 0.00

NOTE

NOTE OF THE TREES IDENTIFIED ON THIS PROPERTY ARE STATE OR COUNTY CHAMPIONS

NOTE

NOTE OF THE TREES IDENTIFIED ON THIS PROPERTY ARE STATE OR COUNTY CHAMPIONS

FINAL FOREST CONSERVATION AND PLANTING PLAN

PHYLLIS JONES PROPERTY

Montgomery County, Maryland

PREPARED FOR: **PHYLLIS JONES**

498 W. MOUNTAIN ROAD

ROCKVILLE, MARYLAND 20857

301.599.0161

VICINITY MAP

SCALE: 1" = 200'

19 B&A Blumley & Associates, Inc.

1000 Pennsylvania Avenue, N.W.

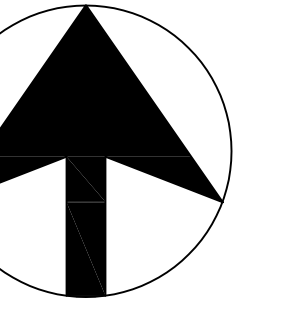
Washington, D.C. 20007

202.331.1100

date: July 2007

scale: 1" = 100'

Sheet 1 of 2

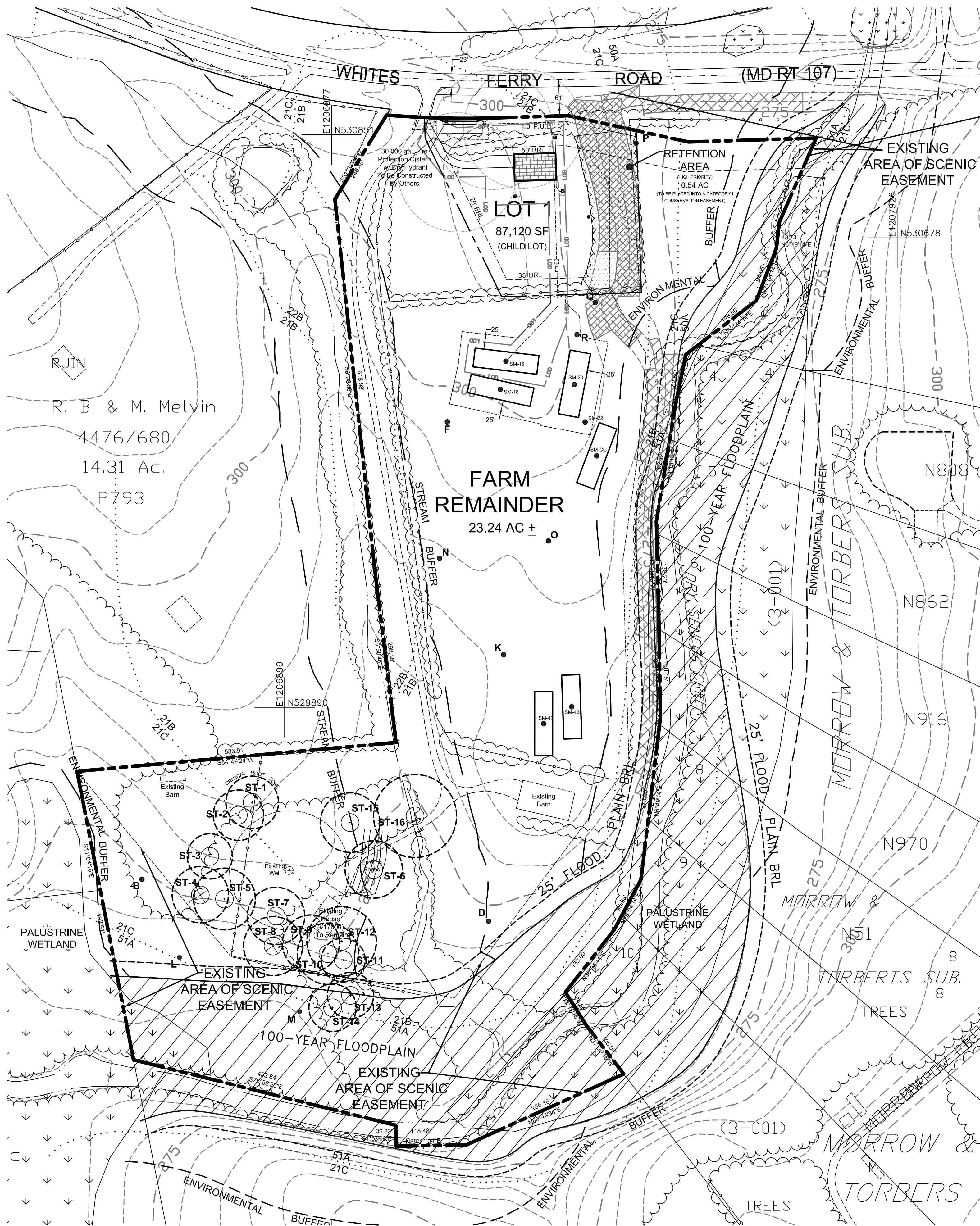


date: 5/24/10
scale: 1" = 100'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 946-0246



PRELIMINARY FOREST CONSERVATION PLAN
PHYLLIS JONES PROPERTY
 Montgomery County, Maryland



- LEGEND:**
- SLOPES 25% OR GREATER
 - SLOPES 15% OR GREATER ON HIGHLY ERODIBLE SOILS
 - SOIL TYPES 16C 17B
 - FOREST / TREE COVER
 - STREAM BUFFER
 - SIGNIFICANT TREE

- NOTES:**
- SOURCE OF APPROXIMATE WETLANDS LOCATION- NATIONAL WETLANDS INVENTORY (NOT A FIELD DELINEATION).
 - SOURCE OF 100 YEAR FLOODPLAIN DATA; JON SHIANCOE, P.E. JAS ENGINEERING & DESIGN, LLC 5105 MOUNT OAKS SANCTUARY DRIVE BOWIE, MARYLAND 20720 301-262-1630
 - SOURCE OF TOPOGRAPHY: M-NCP&PC SHEET 222NW18
 - EXISTING SIGNIFICANT AND SPECIMEN TREES THAT ARE WITHIN THE ENVIRONMENTAL BUFFERS THAT HAVE NOT BEEN IDENTIFIED ON THIS PLAN MAY NEED TO BE IDENTIFIED AND LOCATED AT A LATER DATE.

FOREST CONSERVATION WORKSHEET
Phyllis Jones Property

NET TRACT AREA:

A. Total tract area ...	25.24
B. Land dedication acres (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.00
D. Area to remain in commercial agricultural production/use ...	22.59
E. Other deductions (specify) ...	0.00
F. Net Tract Area ...	2.65*

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0.00	1.00	0.00	0.00	0.00	0.00

G. Afforestation Threshold ... 0.20 x F = 0.53
H. Conservation Threshold ... 0.25 x F = 0.66

EXISTING FOREST COVER:

I. Existing forest cover ...	0.54
J. Area of forest above afforestation threshold ...	0.01
K. Area of forest above conservation threshold ...	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ...	0.00
M. Clearing permitted without mitigation ...	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ...	0.00
O. Total area of forest to be retained ...	0.54

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ...	0.00
Q. Reforestation for clearing below conservation threshold ...	0.00
R. Credit for retention above conservation threshold ...	0.00
S. Total reforestation required ...	0.00
T. Total afforestation required ...	0.00
U. Credit for landscaping (may not exceed 20% of "S") ...	0.00
V. Total reforestation and afforestation required ...	0.00

*NET TRACT AREA INCLUDES 0.65 AC FOR OFF-SITE SEPTIC EASEMENT AND INGRESS/EGRESS EASEMENT.

SIGNIFICANT TREE CHART

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Quercus alba	White Oak	29.4"	Moderate	Reactionary wood growth in root collar, wounds on root collar, dieback, dead limbs	To be retained
ST-2	Quercus alba	White Oak	29.2"	Good	Some dead limbs w/th decay in canopy, w/alter sprouts, sap sucker damage	To be retained
ST-3	Quercus alba	White Oak	25.3"	Good	Water sprouts, dieback, poor branch architecture, some dead limbs w/th decay in the canopy	To be retained
ST-4	Quercus alba	White Oak	31.5"	Fallen/Dead		
ST-5	Quercus alba	White Oak	34.9"	Good-Moderate	Slipping growing out of root collar, dead limbs, some w/alter sprouts	To be retained
ST-6	Acer rubrum	Red Maple	32.1"	Moderate	Co-dominant leaders, girdling roots, metal pole on trunk, wounds on root collar, broken limbs w/th decay, w/dow maker, flood light in canopy	To be retained
ST-7	Quercus alba	White Oak	32.0"	Moderate	Dead limbs w/th decay, w/alter sprouts, co-dominant leader, poor branch architecture	To be retained
ST-8	Quercus alba	White Oak	33.0"	Fallen/Dead		
ST-9	Quercus alba	White Oak	31.9"	Good-Moderate	Dead limbs w/th decay, w/alter sprouts, co-dominant leader, poor branch architecture	To be retained
ST-10	Quercus alba	White Oak	34.3"	Poor(Dead)	Dead central leader, slight lean, few dead limbs w/th decay. This tree is a hazard and should be removed as soon as possible.	To be removed as soon as possible
ST-11	Carya glabra	Pignut Hickory	24.5"	Moderate-Poor	Girdling roots, slight lean, w wounds on root collar, dead limbs w/th decay in canopy	To be removed at owners discretion
ST-12	Quercus coccinea	Scarlet Oak	38.8"	Moderate	Girdling roots w/th wounds on root collar, wound on upper limb, thin canopy, dieback.	To be retained
ST-13	Carya glabra	Pignut Hickory	25.8"	Poor(Dead)	Conks, broken limbs w/th decay in canopy	To be retained
ST-14	Carya glabra	Pignut Hickory	26.5"	Moderate-Poor	Co-dominant leader, many broken limbs w/th decay in canopy, slight lean, unbalanced crown	To be removed at owners discretion
ST-15	Robinia pseudacacia	Black Locust	33.3"	Good	Girdling roots w/th wounds on exposed roots, dead branches w/th decay	To be retained
ST-16	Acer rubrum	Red Maple	46.4"	Poor(Hazard)	Dead leader, conks forming, borers damage, showing, change in leaf color indicate stress, lights in canopy, wounds on root collar, cavity in branch, cable in trunk, broken branches and dead limbs w/th decay in canopy. This tree is a hazard and should be removed as soon as possible.	To be removed as soon as possible

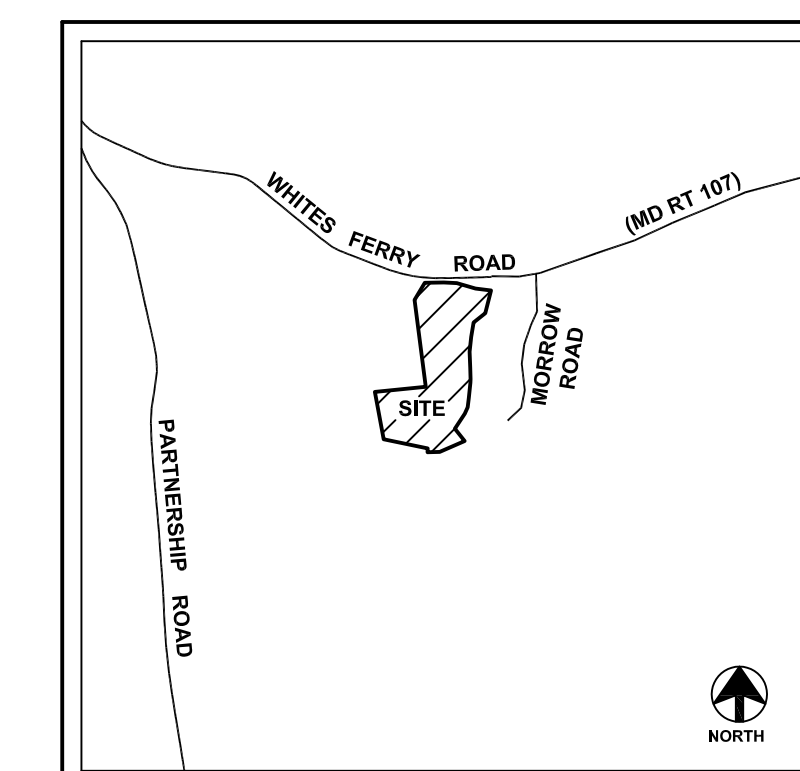
NOTE:
NONE OF THE TREES IDENTIFIED ON THIS PROPERTY ARE STATE OR COUNTY CHAMPIONS.

PRELIMINARY FOREST CONSERVATION PLAN

ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED (OFF-SITE)	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED (OFF-SITE)	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER- LINEAR FEET	STREAM BUFFER- AVERAGE WIDTH
25.24 AC	22.59 AC	0.0 AC	0.0 AC	0.54 AC	Medium-Density Residential Area(Agricultural and Resource Areas)	25% = 0.66 AC	20% = 0.53 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0.0 AC	0'	0'

PREPARED FOR:
Phyllis Jones
17800 WHITES FERRY ROAD
POOLESVILLE, MARYLAND 20837
301-519-0161

VICINITY MAP
SCALE: 1" = 2,000'



"MINOR SUBDIVISION"