



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

**MCPB**  
**Item #**  
**7/24/08**



**MEMORANDUM**

**DATE:** June 18, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Subdivision Supervisor *CC*  
Development Review Division

**FROM:** Erin Grayson, Senior Planner (301-495-4598) *EG*  
Development Review Division

**REVIEW TYPE:** Pre-Preliminary Plan of Subdivision

**APPLYING FOR:** 1 child lot, 4.0 acres in size, for 1 one-family detached dwelling unit

**PROJECT NAME:** Phyllis Jones Property

**CASE #:** 720070300

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RDT

**LOCATION:** On the south side of Whites Ferry Road, 500 feet West of Morrow Road

**MASTER PLAN:** Preservation of Agriculture and Rural Open Space

**APPLICANT:** Phyllis Jones Property

**ENGINEER:** Benning & Associates

**ATTORNEY:** Miles & Stockbridge

**FILING DATE:** February 1, 2007

**HEARING DATE:** July 24, 2008

**RECOMMENDATION:** Denial.

**SITE DESCRIPTION**

This pre-preliminary plan application pertains to a 25.24-acre site (“Property” or “Subject Property”) on the south side of Whites Ferry Road, 500 feet west of Morrow Road. The Property, pictured below, is zoned RDT and is an unrecorded parcel. The site is in the Dry Seneca Creek Watershed (Use I-P). 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 plan)

This applicant requests approval to create a 4.0-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 4.0-acre lot is located on the northernmost part of the property. The applicant does not propose to record the 21.24-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 March 27, 2008.

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).

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Functional Master Plan for the Preservation of Agriculture and Rural Open Space (AROS) contains goals and objectives for the preservation of critical masses of farmland and rural open space in the county. The plan contains the following language:

The Forward, 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 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, however according to aerial photos, 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 the late-60’s 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, however, will occupy 16% of the Property and significantly reduce the area available for farming. The size and location of the proposed house, well and sand mounds make it unlikely that the child lot itself would be used for farming. As such, it will preclude the resumption of an equestrian facility in its previous size and form, and significantly and permanently limit the opportunities for future farming operations. About 3.7 acres of prime farmland soils that could be cultivated will be permanently converted to residential use.

As noted above, 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. The proposed child lot is part of the 9.2 acres, and it includes about 3.7 acres of prime soils. Subtracting the 3.5 acres of the proposed child lot (excluding treed areas) from the 9.2 acres utilized for hay leaves 5.7 acres of active farmland. Subtracting the 3.2 acres of un-forested prime soils that would fall within the child lot from the 6.8 acres of prime soils mowed for hay leaves 3.6 acres of prime soils available for cultivation. The table below shows the existing and

proposed farming operation by acres and percentages of farmed area and prime soils farmed. A significant reduction in the area to be farmed is seen in both calculations.

	Total acres	Prime soils (acres)	Prime soils (percent)	Farmed (acres)	Farmed (percent)	Prime soils farmed (acres)	Prime soils farmed (percent)
Current	25.24	15.8	62.5%	9.2	36.5%	6.8	26.9%
Proposed	25.24	15.8	62.5%	5.7	22.6%	3.6	14.3%

The proposed plan utilizes too much of the best available farmland for placement of a residential lot which makes it less likely that the remaining farm will ever be used by the owner, or leased to others, for commercial agriculture. At a minimum, such lots should be the minimum possible size, minimize fragmentation of the property, and maximize the viable farmland. The proposed child lot fragments available farmland and detracts from the continuation of farming on this Property and the agricultural reserve as a whole. Therefore, the application does not substantially conform with the AROS plans or 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 facilitate inter-generational transfer of a critical mass of farmland. 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 on the proposed lot for new residential development.

**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 lots and uses, and the lots meet 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 March 27, 2008. For provision (b), additional right-of-way dedication is not required for Whites Ferry Road since along the property frontage because existing right-of-way for the road is considered adequate. At 4.0 acres the proposed child lot does not exceed 5 acres and, therefore, satisfies provision (d). Finally, a forest conservation plan is currently under review by Environmental Planning Staff 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 of the Zoning Ordinance, residential density in the RDT zone shall not exceed one dwelling per twenty-five acres. The subject application proposes a 4.0 acre lot and a 21.24-acre farm remainder, resulting in a residential density of two dwelling units per 25 acres.

#### 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 forest conservation plan is currently under review by Environmental Planning Staff. The plan does not include any forest clearing and includes 0.80 acres of afforestation within 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 stormwater management at the sediment and erosion control permit stage.

### Citizen Correspondence and Issues

The applicant notified adjacent and confronting property owners of the pre-preliminary plan submission, as required. In a letter dated February 16, 2007, Tony and Katrina Kern informed MNCPPC staff of their concerns and objection to the proposed plan. In their letter, the Kerns stated that the subdivision violates the RDT base density of 1 house per 25 acres; the subdivision will negatively impact this area of the Agricultural reserve by creating 2 undersized parcels with one parcel and house directly abutting Whites Ferry Road; the subdivision may lead to further fragmentation in this area of the Agricultural Reserve; the plan will adversely affect Darnall Colonial Farm, a property listed on the National Historic Register and Maryland Historic Trust by changing the protected historic viewshed and character of the area.

As previously stated in this report, Staff believes the creation of this child lot will lead to further fragmentation within the Agricultural Reserve area while failing to comply with RDT zone density requirements and failing to preserve farmland or promote agriculture. Darnall Colonial Farm 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. Darnall Place 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 4 acre lot would not adversely impact the historic property.

## **CONCLUSION**

While the proposed child lot meets the requirements established in the Subdivision Regulations, in Staff's opinion it does not comply with the Section 59-C-9.41 of the Zoning Ordinance because the density exceeds 1 dwelling unit per 25 acres and does not comply with the recommendations of the Preservation of Agriculture and Rural Open Space Master Plan because it will lead to further fragmentation in the Agricultural Reserve and inhibit, rather than enhance, opportunities for farming the Property. For these reasons, denial of the application is recommended.

## **Attachments**

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

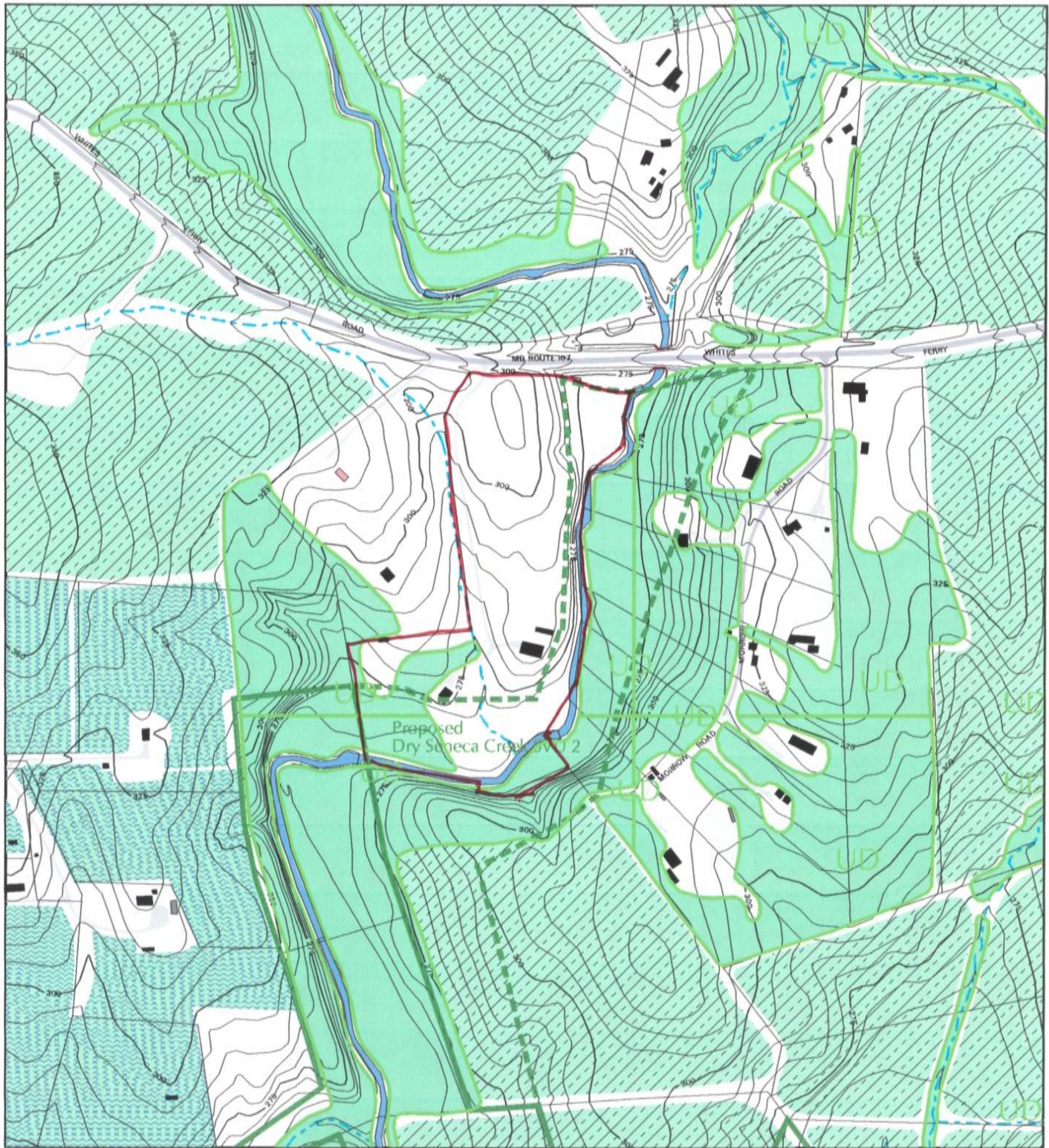


Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Phyllis Jones Property</b>				
<b>Plan Number: 720070300</b>				
<b>Zoning: RDT</b>				
<b># of Lots: 1</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type:</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	40,000 sq. ft.	4.0 acres	EG	6/18/08
Lot Width	125 ft.	250 ft. is minimum proposed	EG	6/18/08
Lot Frontage	25 ft.	250 ft. is minimum proposed	EG	6/18/08
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	EG	6/18/08
Side	20 ft. Min./40 ft. total	Must meet minimum <sup>1</sup>	EG	6/18/08
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	EG	6/18/08
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	EG	6/18/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 dwelling unit	2 dwelling units	EG	6/18/08
MPDUs	No		EG	6/18/08
TDRs	Yes	3 available	EG	6/18/08
Site Plan Req'd?	No		EG	6/18/08
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	EG	6/18/08
Road dedication and frontage improvements		N/a	Agency letter	4/16/07
Environmental Guidelines		Yes	Staff memo	5/6/08
Forest Conservation		Yes	Staff memo	5/6/08
Master Plan Compliance		No	Staff memo	5/12/08
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		At sediment control stage	EG	6/18/08
Water and Sewer (WSSC)		N/a	EG	6/18/08
10-yr Water and Sewer Plan Compliance		N/a	EG	6/18/08
Well and Septic		Yes	Agency letter	3/27/08
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	EG	6/18/08
School Facilities Payment		No	EG	6/18/08
Fire and Rescue		Yes	Agency letter	8/16/07
Other (i.e., schools)				

<sup>1</sup> As determined by MCDPS at the time of building permit.

# PHYLLIS JONES PROPERTY (720070300)



Map compiled on March 21, 2007 at 3:57 PM | Site located on base sheet no - 222NW18

### NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

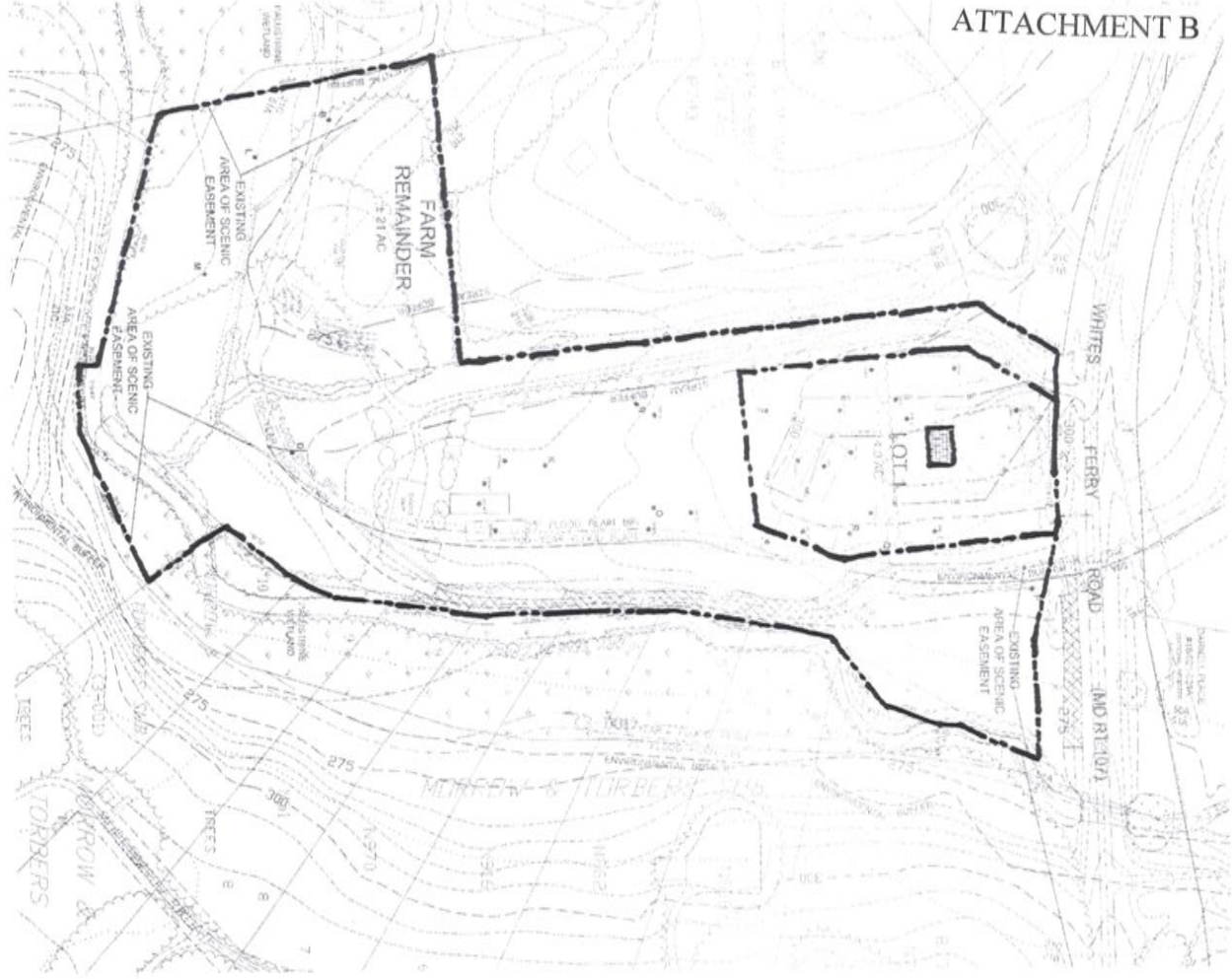
Key Map



N



1 inch = 600 feet  
1 : 7200



**SEWAGE DISPOSAL SYSTEM - DESIGN DATA:**

Total Time (min)	Depth of Trench (ft)	Total Time (min)	Depth of Trench (ft)	Total Time (min)	Depth of Trench (ft)	Total Time (min)	Depth of Trench (ft)
304-19-40 MPH	16"	304-18-02 MPH	17"	304-20-44 MPH	17"	304-43-50 MPH	18"
304-21-24 MPH	17"	304-41-44 MPH	18"	304-43-50 MPH	18"		



**NOTE:**  
SOURCE OF TWO FOOT CONTOUR INTERVAL TOPOGRAPHY: THOMAS A. MACDON, PROFESSIONAL LAND SURVEYOR, 8633 SHAWY GROVE COURT, GAITHERSBURG, MARYLAND 20877, 301-962-8894

**NOTES:**  
1) SOURCE OF APPROXIMATE WETLANDS LOCATION: NATIONAL WETLANDS INVENTORY (NOT A FIELD DELINEATION)  
2) SOURCE OF TWO YEAR FLOODPLAIN DATA: U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
3) SOURCE OF TOPOGRAPHY: MANDRAC SHEET 2224W18  
4) EXISTING SIGNIFICANT AND SPECIEN TREES THAT ARE WITHIN THE ENVIRONMENTAL BUFFER THAT HAVE NOT BEEN IDENTIFIED ON THIS PLAN MAY NEED TO BE IDENTIFIED AND LOCATED AT A LATER DATE

- NOTES:**
1. AREA OF PROPERTY - 2.42 ACRES
  2. EXISTING ZONING - R-100
  3. METHOD OF DEVELOPMENT - MINOR SUBDIVISION (SEC. 50.13A)
  4. NUMBER OF LOTS - 2 (1 Child Care (in accordance with Section 50.13A) AND 1 FARM REMAINDER)
  5. AVERAGE LOT SIZE SHOWN - 4.00 ACRES
  6. SITE TO BE SERVED BY WELLS ON SITE SEPTIC SYSTEMS
  7. EXISTING SEWER & WATER SERVICE CATEGORIES 5-4, W-4
  8. LOCATED IN DRY SENECA CREEK WATERSHED
  9. DEVELOPMENT STANDARDS:
    - Frontyards - 50'
    - Sideways - 20'
    - Rearyards - 15'
    - Minimum Lot Size - 40,000 sq ft
  10. PROPERTY LOCATED ON TAX MAP C851, WSSC GRID SHEET 2224W18
  11. UTILITIES TO BE PROVIDED BY Washington Gas, Verizon, Allegheny Power

**SEPTIC SYSTEM DESIGN FOR LOT 1**

1. TYPE OF SYSTEM - SAND MOUND

2. CAPACITY - 1,000 GPD

3. DESIGN RATE - 100 GPD/50'

4. DESIGN RATE - 100 GPD/50'

5. SAND BED DEPTH - 1.00'

6. SAND BED DIMENSIONS - 34.5' X 106'

7. TOTAL MOUND DIMENSIONS - 34.5' X 106'

**SEPTIC SYSTEM DESIGN FOR FARM REMAINDER**

1. TYPE OF SYSTEM - SAND MOUND

2. CAPACITY - 1,000 GPD

3. DESIGN RATE - 100 GPD/50'

4. DESIGN RATE - 100 GPD/50'

5. SAND BED DEPTH - 1.00'

6. SAND BED DIMENSIONS - 34.5' X 106'

7. TOTAL MOUND DIMENSIONS - 34.5' X 106'

PREPARED FOR:  
Phyllis Jones  
1700 WHITES FERRY ROAD  
POOKSVILLE, MARYLAND 20847  
301-518-0151

**VICINITY MAP**  
SCALE: 1" = 2,000'



## **STATEMENT OF JUSTIFICATION**

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

On or about the 1st day of February, 2007 Pre-preliminary plan application number 720070300, titled the Phyllis Jones Property, was submitted for staff level review. The proposal included a child lot subdivision creating one lot for Phyllis Jones' adult daughter Octavia Jamison (maiden name Jones).

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.

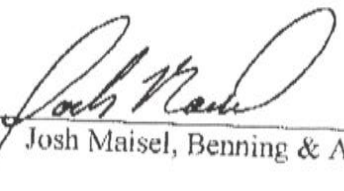
In 2004 the Applicant suffered from a bad fall while riding and was severely injured. The horses were sold at that time and the property has been utilized for hay cultivation to support the equestrian community. It is the Applicant's intention to continue to maintain the property and to have her daughter,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

An Agricultural Declaration of Intent supporting the Applicant's assertions was previously included in the pre-preliminary plan submittal.

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.

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

By:

  
Josh Maisel, Benning & AssociatesDate: 03/24/08



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

## MEMORANDUM

March 27, 2008

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

FROM: Carla Reid, Director *CR*  
Department of Permitting Services

SUBJECT: Status of Pre-Application Plan: # 7-20070300,  
Phyllis Jones Property, Lots 1 &  
Remainder

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on February 12, 2008.

Approved with the following reservations:

1. 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.
2. The Sand Mound sites approved must be protected from physical disturbance and/ compaction of the soil. Prior to the issuance of any permits, the sand mound sites must be fenced using 4-foot high "orange construction fencing".
3. All existing buildings must appear on the record plat.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc:  
Surveyor  
File



---

---

## FIRE MARSHAL COMMENTS

---

---

**DATE:** AUG 16, 2007  
**TO:** JOSHUA MAISEL, BENNING & ASSOCIATES, INC  
**FROM:** MARIE LABAW  
**RE:** PHYLLIS JONES PROPERTY 7-20070300

---

### PLAN APPROVED.

1. Review based only upon information contained on the plan submitted **08-10-07**. 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.

cc: Department of Permitting Services

MNCPPC-MC

May 2, 2008

Jones property 7-20070300, Poolesville-Dawsonville Road,

About half of the subject property is master planned for Park Acquisition. To meet the goals of connectivity from Whites Ferry Road to existing park Property and to better insure water quality protection of the Dry Seneca Creek, dedication of, or acquisition of part or all of the Phylliss Jones Property should be considered.

This property affords an immediate connection from existing Park Property to a State Road, whereas the other master planned option would involve easement, dedication or acquisition from eight different property owners. As such, the Jones Property represents a more realistic link for Park expansion along the Dry Seneca Creek.

Dominic Quattrocchi, M-NCPPC

Park Planning and Stewardship



Jones Property 2006, Solid Green=Existing Park; Green outline= Proposed Park, Gray Hatching= Floodplain





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation  
April 16, 2007



Ms. Catherine Conlon  
Supervisor, Development Review  
Subdivision Division  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Re: Montgomery County  
Phyllis Jones Property  
File Number 7-20070300  
MD Route 107

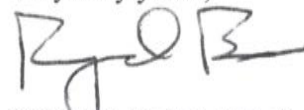
Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the pre-preliminary plan application for the proposed 1-lot residential development. We offer the following comments:

- Right-of-way dedications along MD 107 must be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications be platted using SHA standards. These plats must be submitted in hard copy format for review and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division at 410-545-8975 for additional information. You may also e-mail Mr. Andrews at [dandrews@sha.state.md.us](mailto:dandrews@sha.state.md.us).
- The applicant must apply for a residential access permit from SHA's District #3 Utilities Office at 301-513-7350, if additional MD 107 access is proposed.

If you have any questions, please contact Raymond Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,

  
for Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/rbb

cc: Ms. Phyllis Jones, 17800 Whites Ferry Road, Poolesville, Maryland 20837  
Benning & Associates, Inc. / 8933 Shady Grove Court, Gaithersburg, MD 20879  
Mr. Shahriar Etemadi / M-NCPPC  
Mr. Sam Farhadi / MCDPWT  
Mr. Jeff Wentz sent via e-mail  
Ms. Kate Mazzara sent via e-mail  
Mr. Augustine Rebish sent via e-mail

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · [www.marylandroads.com](http://www.marylandroads.com)

February 16, 2007

Development Review Division  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Subdivision of Phyllis Jones Property - #720070300  
17800 Whites Ferry Road  
Poolesville, Maryland 20837  
Current Zoning: RDT

To Whom It May Concern:

This letter is to inform you that we object to the proposed subdivision of the Phyllis Jones property as noted above and denoted on the attached notification from Benning & Associates.

We object to the subdivision on the following grounds collectively and on a standalone basis but not limited to or all inclusive of the below:

1. The subdivision will create two parcels both under 25 acres which is a violation of the intent and in actuality of the RDT zoning of 1 house per 25 acres. The subdivision would create a 4 -acre parcel and a 21-acre parcel both which will violate the preservation intent and directive of RDT zoning.
2. The subdivision would negatively impact this part of the Montgomery County Agricultural Preserve by creating small parcels of land with homes.
3. The subdivision will have a negative impact on the rural character of the area by creating two undersize parcels with one parcel and its home directly on Whites Ferry Road.
4. The planned subdivision would negatively impact Darnall Colonial Farm – a National Historic Register and Maryland Historic Trust listed property (likely the oldest building in Montgomery County) by changing the protected historic view and the character of the area.
5. The subdivision may create an argument setting precedent for opening this portion of the Montgomery County Agricultural Reserve to development.

For these reasons individually and collectively, but not limited to or all inclusive, we object to this subdivision.

Sincerely,

  
Tony & Katrina Kern

