

**Discovery Farm: Pre-Preliminary Plan No. 720060310**

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**CM** Callum Murray, Area 3 Master Plan Supervisor, callum.murray@montgomeryplanning.org, 301-495-4733

**JAC** John Carter, Chief, Area 3, john.carter@montgomeryplanning.org, 301-495-4575

**Staff Report Date:** 4/25/14

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**Description**

**Discovery Farm: Pre-Preliminary Plan No. 720060310**

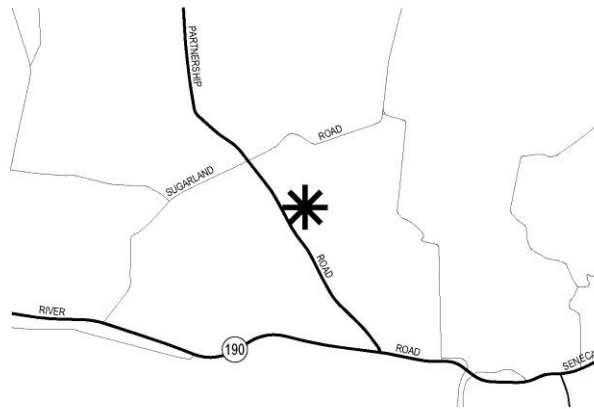
Two lots requested, Lot 1 at 6.9 acres for a new single family dwelling, and Lot 2 at 18.8 acres with an existing dwelling; (remainder parcel of 118.24 acres is not part of application); located at 14515 and 14519 Partnership Road; 2000 feet south of Sugarland Road; Rural Density Transfer Zone, Preservation of Agriculture and Rural Open Space Master Plan.

**Staff Recommendation:** Approval with conditions

**Submittal Date:** February 20, 2014

**Applicant:** Zubkus Family Joint Venture ("Applicant")

**Review Basis:** Chapter 50, Section 50-35A(8)



**Summary**

- The application was submitted requesting Planning Board approval of two lots greater than 5.0 acres in size in the RDT zone using the "minor subdivision" provision of Section 50-35A(8)d of the Montgomery County Code.
- It is proposed that two (2) parcels previously recorded by deed be platted as recorded lots.
- One of the parcels is grandfathered to the previous Rural zone pursuant to Section 59-C-9.74(b)(2) of the Zoning Ordinance, and density is being taken from an adjacent farm remainder property to support recordation of the second parcel.

**RECOMMENDATION:** Approval, subject to the following conditions:

1. This Pre-Preliminary Plan is limited to two lots for one detached dwelling unit each.
2. The Applicant must submit a final forest conservation plan to M-NCPPC staff for review and approval prior to recordation of the lot.
3. The record plat must reflect a Category I easement over all areas of stream valley buffers and areas of forest conservation.
4. The Applicant must satisfy all conditions of the Final Forest Conservation Plan 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.
5. The Applicant must record an easement on Parcel 140 noting that density has been used for Lot 2. This easement must be referenced in the record plat for the lot.
6. Record plat for Lot 2 must reflect denial of direct access to Partnership Road and an ingress/egress and utility easement for access must be recorded on the farm remainder Parcel P140 and referenced on the record plat.
7. An offsite septic easement on Parcel P140 must be created for Lot 2 and referenced on the record plat.
8. The Applicant must address storm water management at the sediment control stage for development of proposed Lot 1.
9. The Applicant must dedicate and show on the record plat(s) approximately forty (40) feet of right of way from the existing pavement centerline along the Subject Property frontage for Partnership Road as shown on the Pre-Preliminary plan.
10. The Applicant must construct all road improvements within the rights-of-way shown on the approved Pre-Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
11. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
12. The record plat must show all necessary easements.
13. A building permit for a one-family residence issued for the Proposed Lot 1 and pursuant to this Pre-Preliminary Plan must show that the building is to be built in substantially the same location and orientation as shown on the certified pre-preliminary plan.
14. Prior to recordation of the plat, the Applicant must provide verification for MNCPPC staff approval of the availability of a TDR for each lot shown on the plat and the plat must include a note referencing such.

15. The record plat(s) must contain the following note:  
“Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.”
16. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic Section in its letter dated July 13, 2011, and does hereby incorporate them as conditions of the Pre-Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic Section provided that the amendments do not conflict with other conditions of the Pre-Preliminary Plan approval.
17. The Adequate Public Facility (“APF”) review for the Pre-Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

## **SITE DESCRIPTION**

Discovery Farm, or the Zubkus Property, is located along the east side of Partnership Road, Poolesville, approximately 0.50 miles south of Sugarland Road. Partnership Road is a Country Arterial Road with an 80 feet minimum right-of-way.

The Farm is approximately 154.5 acres in size, and is bounded by Partnership Road, Dry Seneca Creek and agricultural land. This pre-preliminary plan application pertains to a 25.7-acre portion of the site (“Property” or “Subject Property”) at 14515 and 14519 Partnership Road. (Figure 1 – Vicinity Map). The Property is zoned RDT and consists of two parcels (P115 and P096) at 6.9 acres and 18.8 acres respectively (Figure 2). The parcels are zoned Rural Density Transfer (RDT) and were both created by deed. Parcel 115 was created in 1978, prior to the application of the RDT zone to the Property in 1981, and is an exempt parcel. Parcel 096 was created by a deed recorded in 1988.

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420112020 for the Property was approved on September 9, 2013, and identifies environmental constraints and forest resources. The site is in the Dry Seneca Creek Watershed (Use I-P) and contains stream buffers, forest stands, a floodplain and prime agricultural soils. The Property has been continuously farmed since at least 1951, is currently open grassland, (Attachment B – Prime Agricultural Soils) and is surrounded by farmland in the RDT Zone.

The forested area is 9.12 acres with 3.19 acres located on Parcel 115 and 5.93 acres on Parcel 096. The stream buffers extend to 12.14 acres out of the total 25.7 acres. The Property contains approximately 15.8 acres of prime agricultural soils. A one-family detached dwelling unit occupies the southern portion of Parcel 096 while Parcel 115 is vacant. The access to the dwelling house is via an existing driveway from Partnership Road on the remainder parcel. (P140) The remainder parcel is 118.24 acres in size and is not part of the proposed subdivision, but its acreage is necessary to support the recording of proposed Lot 2 at an overall density of less than 1 dwelling unit per 25 acres.

Vicinity Map (Figure 1)

Discovery Farm Vicinity

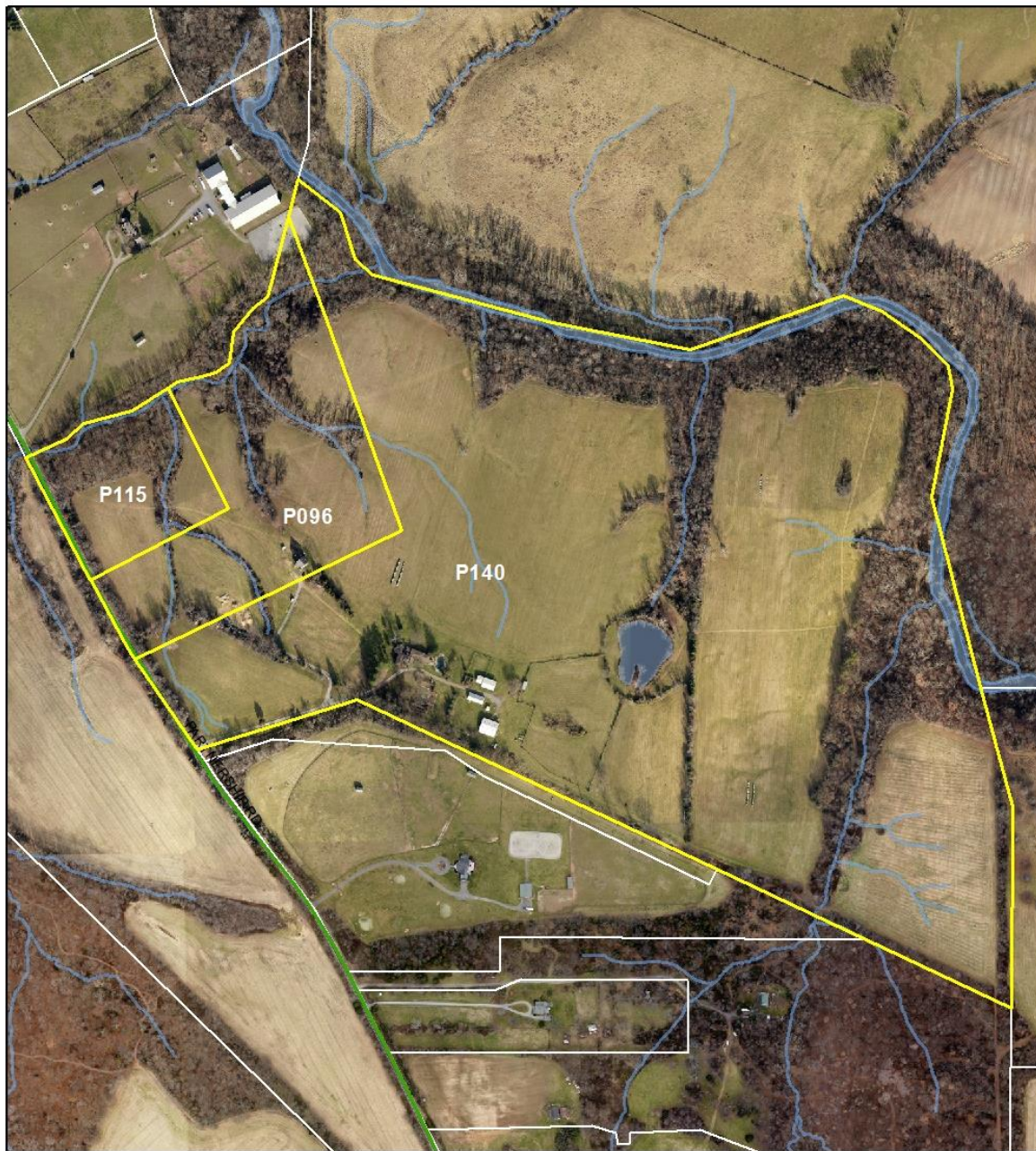


0 1,000 2,000 4,000 Feet



Figure 2

Discovery Farm

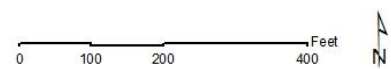
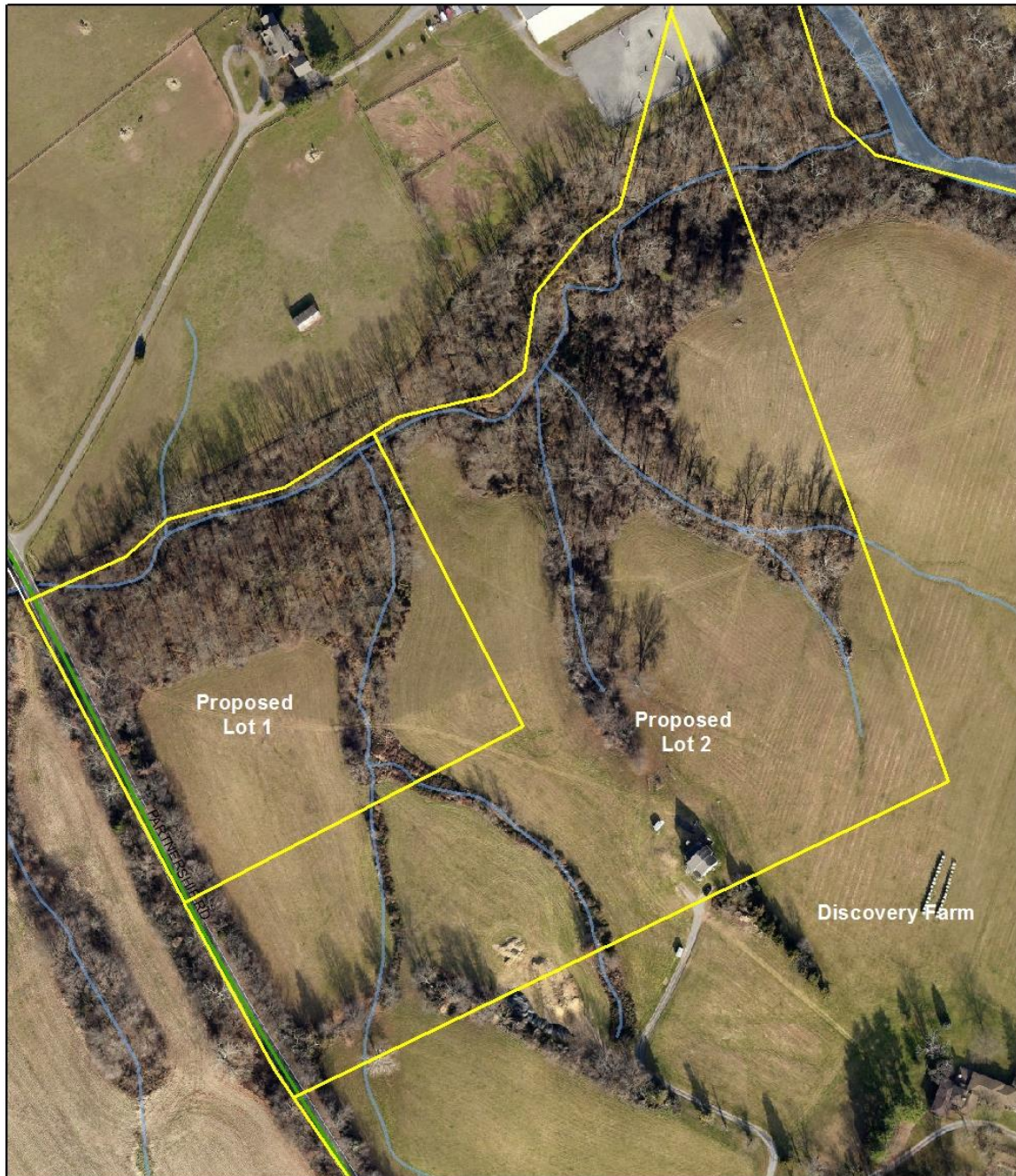


0 250 500 1,000 Feet



**Figure 3**

**Discovery Farm - Proposed Lots**



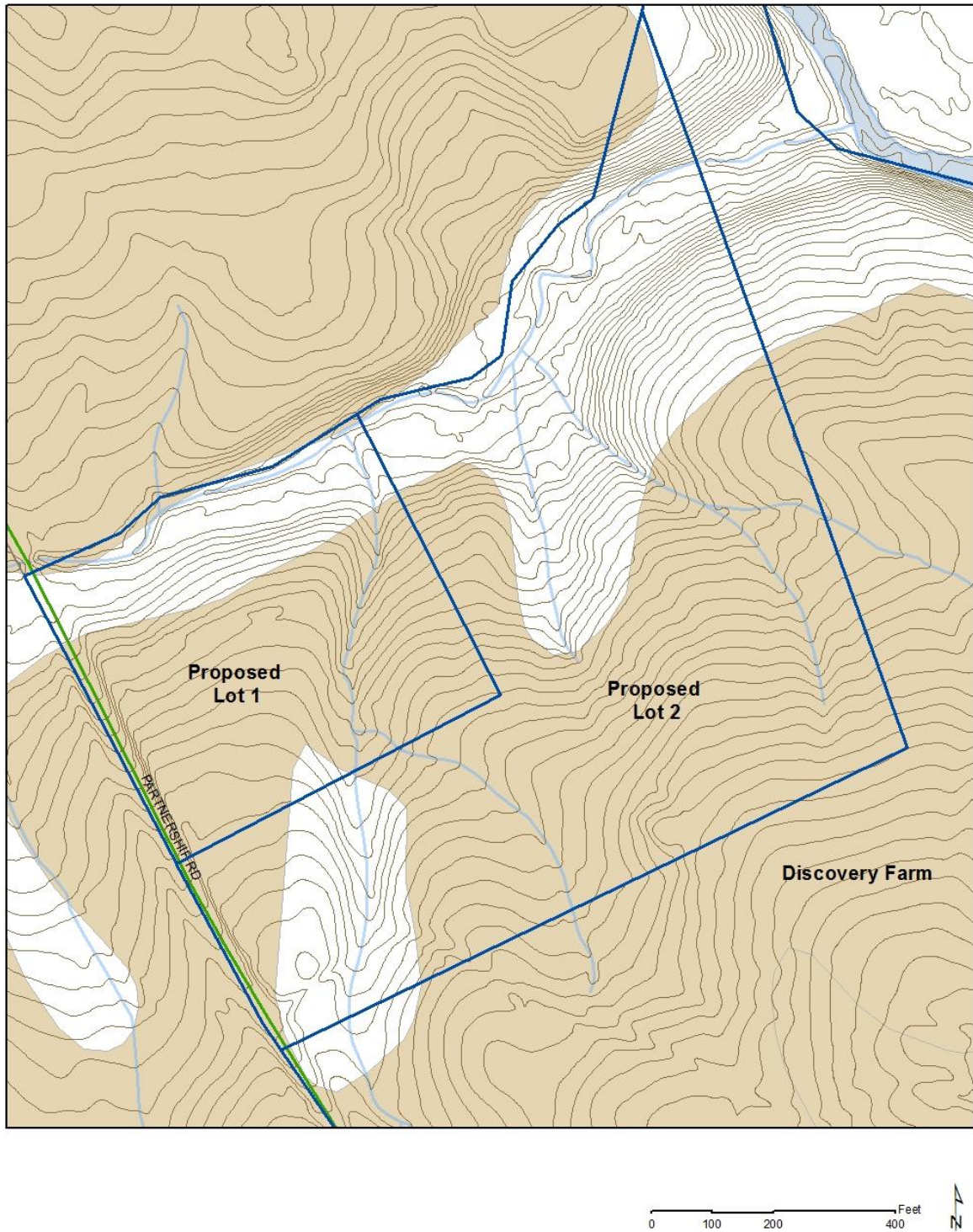
7





**Figure 5**

**Discovery Farm - Prime Farm Soils**





## **PROJECT DESCRIPTION**

The applicant requests approval to create two (2) lots at 6.9 acres and 18.8 acres respectively to accommodate one-family detached dwelling units (one of which is existing) via the minor subdivision process outlined in Section 50-35A(a)(8) of the Subdivision Regulations. (Figures 3 and 4). This Section permits the creation of up to five lots in the RDT zone "if a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff." In this case, because the size of the proposed lot exceeds the maximum average of 5 acres permitted by Section 50-35A(a)(8)d, Planning Board review of the pre-preliminary plan is required.

The proposed lots are located on the northernmost part of the property. The applicant does not propose to record the 118.24-acre farm remainder. A sand mound septic system and wells are proposed to serve both the existing and proposed new dwelling unit. The sand mound locations were approved by the Department of Permitting Services Well and Septic Section on July 13, 2011.

The applicant has configured the plan to locate the new dwelling where the impact on prime soils and the area available for farmland will be minimized (Figure 5). The property will be adequately served by public facilities including existing roads and available utilities. Access will be from Partnership Road.

Lot 1 is generally square in shape, while Lot 2 is "L" Shaped. Both have frontage on Partnership Road. Frontage improvements are limited to the one new driveway and no sidewalks are proposed because of the rural location. Development of the Property will not result in any loss of forest. The forest within the areas identified as stream valley buffers will be protected with Category I easements to meet forest conservation requirements.

## **DEED HISTORY**

The deed history of the Property shows that Parcel 115 (*Proposed Lot 1*) was created by a deed recorded in L. 5185 at F. 337 in 1978, prior to creation of the RDT Zone. This same deed transfers ownership of Parcel 115 from Sigita and Vido Zubkus to the trustees of the Zubkus Family Trust. The deed history also shows that Parcel 096 (*Proposed Lot 2*) was created by a deed recorded in L. 9052 at F. 821 in 1988. This deed transfers ownership of Parcel 096 from the trustees of the Zubkus Family Trust to Linas and Mirga Zubkus, the children of Sigita and Vido Zubkus.

In summary, the applicants, the Zubkus Family Joint Venture, propose that the two parcels previously recorded by deed in 1978 and 1988 be now platted as recorded lots. No new lots are being created.

## **ANALYSIS AND FINDINGS**

### Minor Subdivision Requirements

RDT Exemption – Section 59-C-9.74

Section 50-C-9.74(b)(2) provides for an exemption of the area and dimensional requirements for parcels created by deed prior to the adoption of the RDT Zone. Proposed Lot 1, at 6.9 acres does not meet the density requirements of the current RDT Zone, (1 per 25) but is allowed to be grandfathered back to the prior Rural zoning which allowed five acre lots. Section 59-C-9.74 states:

(b) The following lots are exempt from the area and dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer zone.

(2) A lot created by deed executed on or before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone.

The Applicant provided documentation that the parcel was created by a deed recorded in L. 5185 at F. 337 in 1978, prior to creation of the RDT Zone at which time the Property was zoned Rural. Therefore, the Property has been reviewed for conformance to the Rural zone which requires a 5 acre minimum lot size. Under this grandfathering provision, the parcel must be recorded on a record plat substantially in the same configuration as it was recorded by deed, i.e., no further subdivision of other divisions of land. This restricts the ability to reduce the size of the resulting lot to one under 5.0 acres or less and it essentially must be platted as a lot of approximately 6.8 acres after dedication.

#### **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 use, and the lots meet the dimensional requirements for area, frontage, width and setbacks in the RDT zone.

#### **Section 50-35(8) requirements**

The proposed lots are 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 well and septic facilities were approved by the Department of Permitting Services Well and Septic Section on July 13, 2011. For provision (b), additional right-of-way dedication is required for Partnership Road along the property frontage. Items (c) and (e) are conditions of approval. Finally, Item (d) is the subject of the current staff report.

### Density in the RDT zone

Per Section 59-C-9.41. of the Zoning Ordinance, only one single-family dwelling unit per 25 acres is permitted. A development right has to be retained for each lot. Discovery Farm is approximately 154.5 acres in size, and, unless transferred, would retain six (6) development rights.

As conditioned, and prior to recordation of a plat, the Applicant must provide verification for MNCPPC staff approval of the availability of a development right for each lot shown on the plat and the plat must include a note referencing such. An easement must also be recorded for the balance of the property noting that density has been used for proposed Lot 2, and the easement referenced in the record plat for the lot.

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lots. The lots were reviewed for compliance with the dimensional requirements for the RDT zone as specified in the Zoning Ordinance. The lots as proposed will meet all the minimum dimensional requirements for area, frontage, width, and setbacks in the RDT zone. A summary of these requirements are included in attached Table 1.

### 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 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.”

The proposed lots constitute 16.3 % of the parent farm and will not significantly reduce the area available for farming. The Pre-Preliminary Plan is designed to minimize fragmentation of the Property, and maximize the viable farmland. The subdivision will not impinge on any forests, trees, natural features, or scenic views.

Technically, the lot sizes, particularly for Lot 2, could have been slightly reduced. However, the configuration of the fields on this portion of the farm is already fragmented by streams and forest, so the overall effect is negligible. Since the Pre-Preliminary Plan preserves and promotes agriculture, it substantially conforms to 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. On March 1, 2007, the Planning Board recommended that sand mounds be allowed under specific circumstances for parcels existing as of December 1, 2006. Two of these circumstances were as follows:

- For any pre-existing parcel that is defined as an exempted parcel in the zoning regulations. This applies to Parcel P115 (Lot 1).
- Where there is an existing house and the sand mound would not result in the development of an additional house. This applies to Parcel P096 (Lot 2).

The proposed lots substantially conform to the recommendations of the Preservation of Agriculture and Rural Open Space Master Plan. Therefore, approval of the application with the conditions specified above is recommended.

## **Public Facilities**

### **Roads and Transportation Facilities**

The proposed lots 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. Right-of-way dedication is required for Partnership Road and a sidewalk is not required along the property frontage. Access to the new dwelling unit will require a permit and site distance review from the Montgomery County Department of Transportation. Access to the existing dwelling unit is an extension of an existing driveway on the farm remainder. Vehicular 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. Well and sand mound septic systems are proposed to serve the dwelling units. Gas, electrical and telecommunications services are available to serve the Property. The record plat will be reviewed by the Montgomery County Fire and Rescue Service who may determine that an easement for a future water tank may be required. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The application is not within a school moratorium area and is not subject to a School Facilities Payment.

## **Environmental Guidelines**

The Application is subject to the Montgomery County Forest Conservation Law (Section 22A of the County Code). As such, a Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") #420120010 was approved on September 9, 2013 to identify the environmental constraints on the Property. The NRI/FSD identified the tributaries within the Dry Seneca Creek Watershed (Use I-P) and delineated the associated stream valley buffer in accordance with the procedures contained in the Environmental Guidelines. The stream contains wetlands that are within the margins of the stream banks. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as in generally good condition.

A forest conservation plan is required to be approved by Planning Staff prior to record plat. There are 9.12 acres of forest and 12.14 acres of stream valley buffer on the two proposed lots. Development of the Property will not disturb the stream valley buffer and the record plat must show a Category I conservation easement on all areas specified on the Forest Conservation Plan for perpetual protection of sensitive features. If the application is approved and proceeds to the building permit, the applicant will be required to address storm water management at the sediment and erosion control permit stage.

The Property is located in Tier III according to the Septic Tiers Map for Montgomery County. Within Tier III, the Planning Board may approve a subdivision for any number of residential lots served by one or more septic systems. Well locations and septic systems have been approved for each lot by MCDPS and are found to be adequate to serve the proposed subdivision.

#### **Historic Preservation**

The property is located in the Seneca Historic District which is listed in the National Register of Historic Places. National Register properties are not subject to Montgomery County's local preservation ordinance. The property is not included in the Locational Atlas and Index of Historic Sites, nor is it designated on the Montgomery County Master Plan for Historic Preservation. Hence, it is not subject to the Montgomery County Preservation Ordinance. Proposed changes to the property, including subdivision, do not need to be reviewed by the Historic Preservation Committee.

#### ***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.



Pre-Preliminary Plan Data Table

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	
Minimum Lot Area	40,000 sq. ft.	
Lot Width	125 ft.	
Lot Frontage	25 ft.	
Setbacks		
Front	50ft. Min.	
Side	17ft. Min./35 ft. total	
Rear	35 ft. Min.	
Height	50 ft. Max.	

Attachment A – Applicant Letter

Attachment B – NRI/FSD Plan

Attachment C – NRI/FSD Approval Letter

Attachment D – MSDPS Approval Memo



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civil • surveying • land planning

February 20, 2014

The M-NCP&PC  
Development Review Division  
8787 Georgia Avenue, 2<sup>nd</sup> Floor  
Silver Spring, MD 20910

Re: **M-NCP&PC File No. 720060310**  
**CAS Job No. 05-212**  
**14515 & 14519 Partnership Road**  
**Proposed Lots 1 and 2, Discovery Farm**  
**Pre-Preliminary Plan – Planning Board Hearing Date Request**

Dear DARC Division,

Please find attached three (3) copies of our Pre-Preliminary Plan (#720060310) and one (1) copy of the deed history for the above referenced project. At this time we would like to request a date for a Planning Board hearing.

The purpose of this Pre-Preliminary Plan is to request Planning Board approval to convert Parcel 096 and Parcel 115 into buildable lots of record through the minor subdivision process outlined in Section 50-35A(8). This minor subdivision process allows up to five lots to be created in RDT Zone provided a Pre-Preliminary Plan is submitted. In this case, the Planning Board must approve the creation of Lot 1 and Lot 2 due to an average size greater than five (5) acres.

The enclosed deed history will show that Parcel 115 (*Proposed Lot 1*) was created by a deed recorded in L. 5185 at F. 337 in 1978. This same deed transfers ownership of this parcel from Sigitas and Vido Zubkus to the trustees of the Zubkus Family Trust. The deed history provided also shows that Parcel 096 (*Proposed Lot 2*) was created by a deed recorded in L. 9052 at F. 821 in 1988. This same deed transfers ownership of Parcel 096 from the trustees of the Zubkus Family Trust to Linas and Mirga Zubkus, the children of Sigitas and Vido Zubkus.

In summary, we are proposing to record two lots previously recorded by deed; at a time when it was a generally accepted practice to do so. No new lots are being created and no construction is proposed at this time. The remainder of the family farm (Parcel 140) is not impacted by this subdivision.

If further explanation is necessary, please contact us via email or phone. If these revisions are found to be acceptable, please schedule a Planning Board hearing on the earliest available date.

Sincerely,

A handwritten signature in red ink that reads 'Curt A. Schreffler'.

Curt A. Schreffler  
President

A handwritten signature in red ink that reads 'James M. Ochs'.

James M. Ochs  
Project Manager

cc: Mirga Zubkus (1 each + letter)  
Callum Murray (letter, via USPS)



GENERAL NOTES

- 1) ZONING: RDT  
FRONT B.R.L. = 50 FEET  
REAR B.R.L. = 35 FEET  
SIDE B.R.L. = TOTAL 40 FEET, ONE SIDE 20 FEET
- 2) WATER CATEGORY - 6 SEWER CATEGORY - 6
- 3) BOUNDARY INFORMATION BASED ON AVAILABLE RECORDS.
- 4) 5-FOOT CONTOUR DATA BASED ON AVAILABLE COUNTY TOPO.
- 5) TOTAL PROPERTY AREA (PARCELS P115, P140, P140, & P339) 154.46 ACRES
- 6) PROPERTY SHOWN ON TAX MAP DRIS.
- 7) PROPERTY SHOWN ON HSSC 2007 SHEETS 218 NH 17, 220 NH 17.
- 8) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 10.  
SOIL TYPE(S): HB, 21A, 21B, 21C, 21D, 21E, 21F, 50A, 51A.
- 9) FLOOD ZONE "C" AND "A" PER H.U.D. FIRM MAPS, COMMUNITY  
FIRM No. 24048 02B C.
- 10) SITE IS LOCATED IN THE DRY SENECA CREEK WATERSHED. (USE I-P)
- 12) LOCAL UTILITIES INCLUDE:  
WATER & SEWER - PRIVATE  
ELECTRIC - PERCO  
TELEPHONE - BELL ATLANTIC  
GAS - N/A

ENVIRONMENTAL DATA TABLE

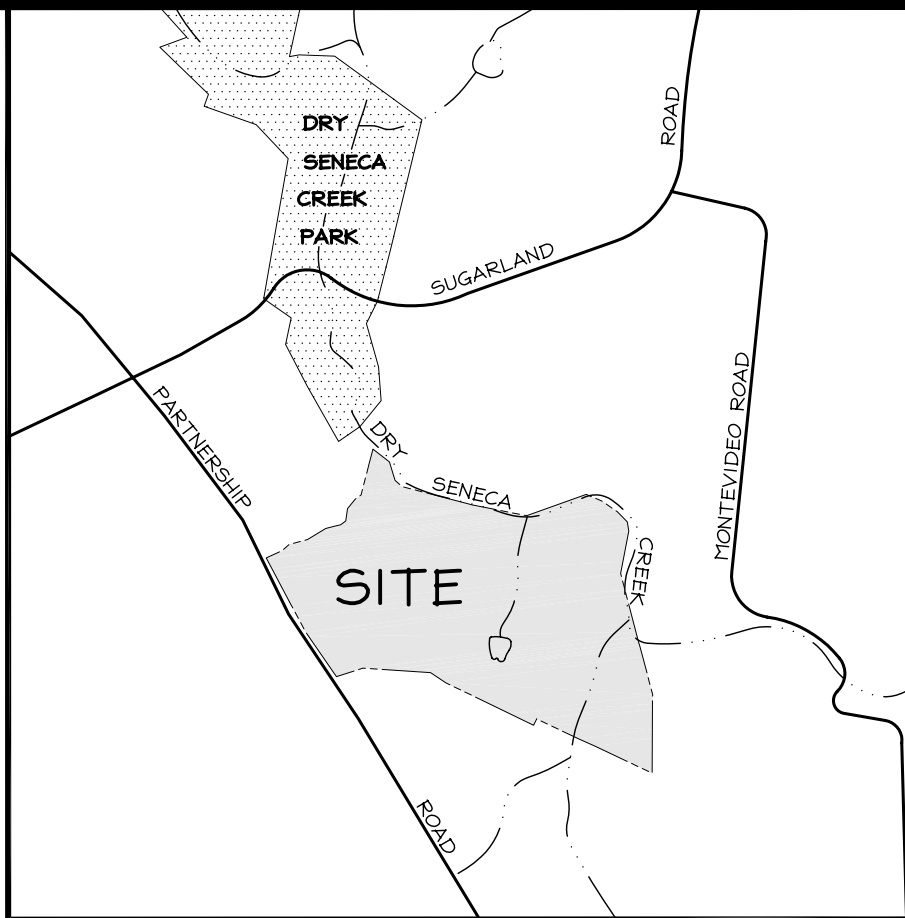
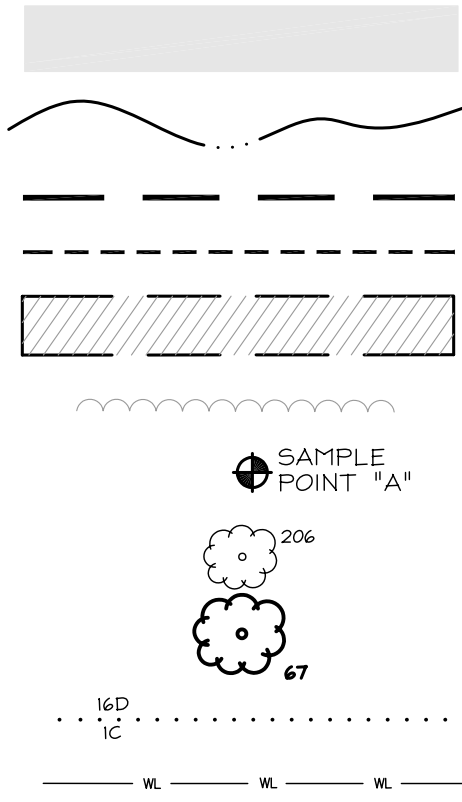
ENVIRONMENTAL BUFFER	LENGTH	AVG. WIDTH	AREA
FORESTED AREAS	VARIES	VARIES	37.4 AC.
WETLAND AREA	142'±	24'±	0.08 AC.
FORESTED WETLAND AREA	142'±	24'±	0.08 AC.
20' WETLAND BUFFER	250'±	20'	0.12 AC.
STREAM BUFFER	VARIES	VARIES	46.61 AC.
FORESTED STREAM BUFFER	VARIES	VARIES	28.91 AC.
100 YEAR FLOODPLAIN	VARIES	VARIES	10.91 AC.
20' FLOODPLAIN BUFFER	4,407'±	20'	2.861 AC.
PRIORITY AREAS	***	***	47.12 AC.

SITE / ZONING DATA

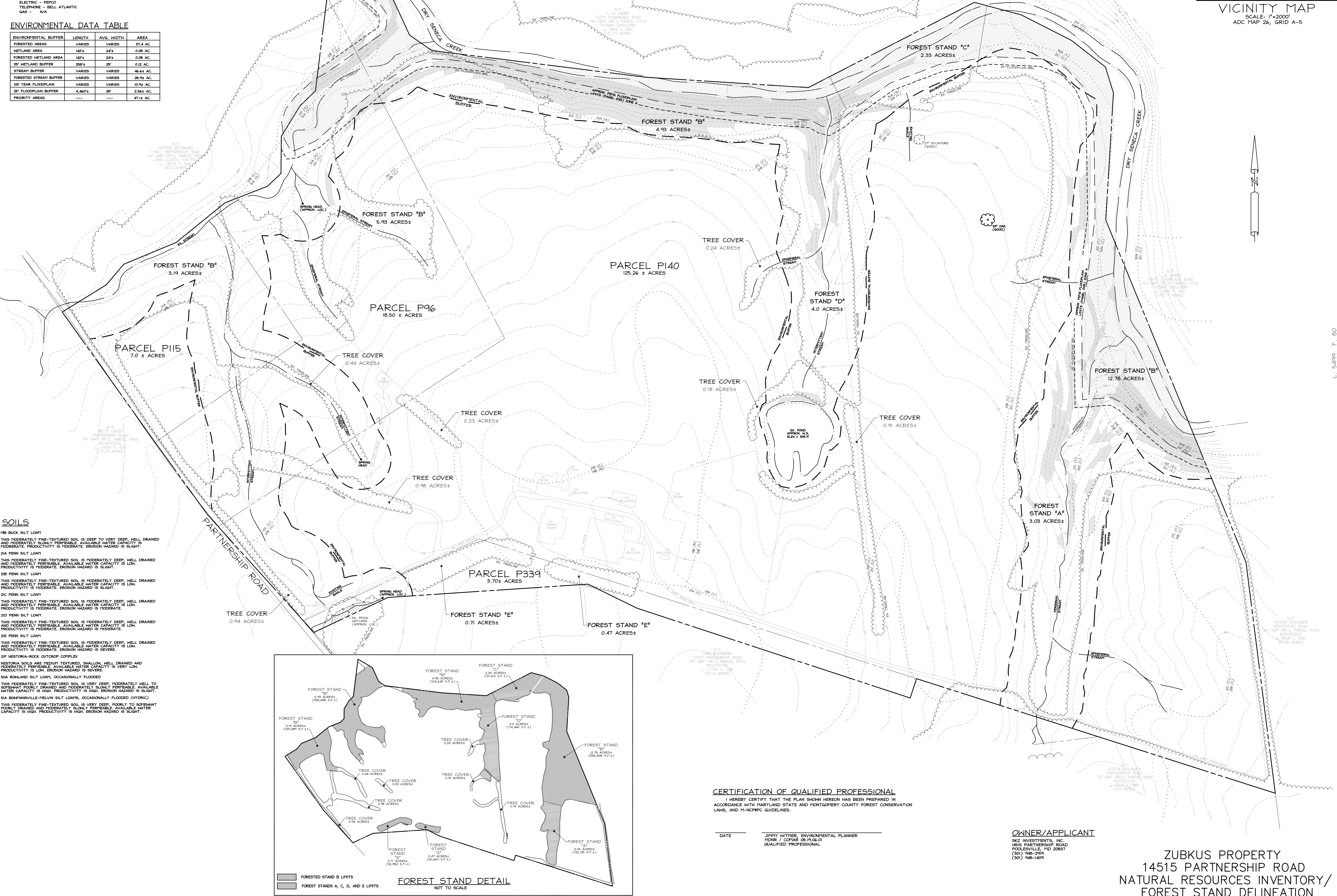
GROSS SITE AREA	693,887 ± S.F. (15.7 ACRES)			
PROPOSED DEDICATION	7,400 S.F. (0.17 AC.)			
NET TRACT AREA	676,487 S.F. (15.53 AC.)			
ZONING: RC (PTA)				
	REQUIRED	PROVIDED		
MINIMUM LOT AREA	217,800 S.F. (5 ACRES)	LOT 32	LOT 33	LOT 34
		6.02 AC	6.04 AC	6.47 AC.
MINIMUM LOT WIDTH AT B.R.L.	125'	125'	125'	125'
BUILDING COVERAGE/LOT COVERAGE	10 PERCENT PER LOT (PTPA)	2.1%	4.0%	1.9%
SETBACK FROM STREET R-O-W	50'	192'±	294'	375'±
SETBACK FROM OTHER LOT LINES	SIDE: 20' REAR: 35'	SIDE: 100' REAR: 100'		
OPEN SPACE REQUIREMENT	15.61 ± 60% 9.41 AC.	9.50 AC.		
FOREST RETENTION	MINIMUM 25%	60.1% (PROP. CONSERVATION AREA)		

LEGEND

- EXISTING STEEP SLOPES (> 25%)
- EXISTING STREAM
- STREAM BUFFER
- FLOODPLAIN B.R.L.
- APPROX. 100 YEAR FLOODPLAIN
- EXISTING TREE LINE
- SAMPLE POINT
- SIGNIFICANT TREE AND NUMBER
- SPECIFIC TREE AND NUMBER
- SOILS LINE
- WETLAND BOUNDARY



VICINITY MAP  
SCALE: 1"=2000'  
ADC MAP 26, GRID A-5



CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-NPCRF GUIDELINES.

DATE \_\_\_\_\_

JIMMY WITHER, ENVIRONMENTAL PLANNER  
A DIVISION OF CAS ENTERPRISES, INC.  
QUALIFIED PROFESSIONAL

OWNER/APPLICANT

962 INVESTMENTS, INC.  
14515 PARTNERSHIP ROAD  
POOLESVILLE, MD 21087  
(301) 948-2918  
(301) 948-1491

ZUBKUS PROPERTY  
14515 PARTNERSHIP ROAD  
NATURAL RESOURCES INVENTORY/  
FOREST STAND DELINEATION

PROJECT: 05.212 NOV. 05  
ILLUSTRATION: JMW  
SCALE: 1"=100'

DATE: BY: REVISION:

PARCELS P115, P140, & P339, PARTNERSHIP ROAD  
ZUBKUS PROPERTY  
POOLESVILLE (3RD) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
NRI / FSD

ENGINEERING  
CIVIL • SURVEYING • LAND PLANNING  
A DIVISION OF CAS ENTERPRISES, INC.  
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**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 9, 2013

Zubkus Family Joint Venture  
14515 Partnership Road  
Poolesville, Maryland 20837

Dear Sirs:

This letter is to inform you that Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420140260, Discovery Farm (Zubkus Property) is approved. A Forest Conservation Plan can now be submitted to the Planning Department in conjunction with any application to which it is a necessary component, or as a stand-alone item if not associated with an application before the Planning Board.

Since the property is subject to the Montgomery County Forest Conservation law there shall be no clearing of forest, understory, or tree removal on the subject site prior to the approval of a Final Forest Conservation Plan. If there are any subsequent modifications to the approved plan, not including changes initiated by a government agency, a separate amendment must be submitted to M-NCPPC for review and approval prior to the submission of a forest conservation plan.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4546 or [Joshua.Penn@montgomeryplanning.org](mailto:Joshua.Penn@montgomeryplanning.org)

Sincerely,

Joshua Penn  
Senior Planner  
Area 3

Cc: Jimmy Witmer, CAS Engineering

ATTACHMENT D

Post-it® Fax Note	7671	Date	7/15	# of pages	①
To	Jim	From	Kim		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

## MEMORANDUM

July 13, 2011

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

FROM: Jennifer Hughes, Assistant Director  
Department of Permitting Services

SUBJECT: Status of Pre-Application Concept Plan: Discovery Farm, Lots 1 - 6  
7-20060310

This is to notify you that the Well & Septic Section of MCDPS approved the subject plan received on June 28, 2011.

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: CAS Engineering  
File