




MCPB
Item No. 9
Date: 11-4-2021

J&M Andrews Farm, Administrative Subdivision Plan No. 620190110

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Completed: 10/22/2021

Description

Application to create one lot greater than 5 acres in the Agriculture Reserve (AR) zone for one single-family detached unit.

Location: On Westerly Road, approximately 1,000 feet west of West Willard Road and the Town of Poolesville; Parcel 480 on Tax Map CT12

Master Plan: 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan*

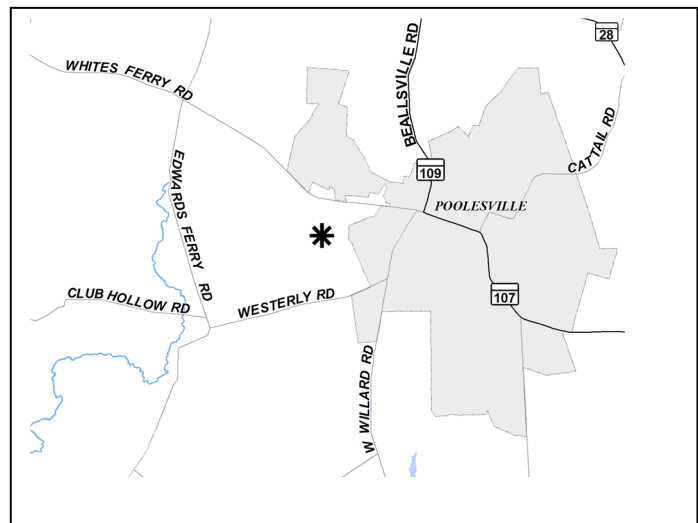
Zone: AR

Property Size: 33.92 acres

Applicant: Patricia Smith (PBS, Inc.)

Acceptance Date: June 13, 2019 and revised on April 21, 2021

Review Basis: Chapter 50, Chapter 59 & Chapter 22A



Summary

- Staff recommends **approval with conditions**.
- Although this application is an Administrative Subdivision Plan, typically acted on by the Director, approval of a lot greater than 5 acres in the AR zone requires Planning Board action.
- In 2019, the Planning Board granted a continuance of this Application to allow the Applicant to wait for a change in the Forest Conservation Law that affected the viability of the application. Subsequently, the Application was revised to include only 33.92 acres, instead of the original 198.70 acres, because 164.78 acres were sold to a neighboring farmer.
- The Application substantially conforms to the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan* by preserving a large contiguous area of farmable land while subdividing for one single-family detached house.
- The Application includes an agricultural exemption from the requirements of Chapter 22A, Forest Conservation Law for the portion of the Property that is remaining in active commercial agriculture.
- No improvements are requested for Westerly Road consistent with the Rustic Road designation of the road.
- Staff has not received any citizen correspondence on the Application.

SECTION 1 - RECOMMENDATION AND CONDITIONS

Administrative Subdivision Plan No. 620190110: Staff recommends approval with conditions of the Administrative Subdivision Plan to create one 30.66-acre lot (after dedication) for a single-family detached dwelling unit. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

1. This Administrative Subdivision Plan is limited to one lot for one single-family detached dwelling unit.
2. The Applicant must comply with the following conditions of approval of Preliminary/Final Forest Conservation Plan No. 620190110, approved as part of this Administrative Subdivision Plan:
 - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan ("FFCP"). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Prior to recordation of the plat and the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - d. Prior to the demolition, clearing, grading, or construction for this development Application, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - e. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
3. The Applicant must dedicate and show on the record plat(s) the dedication of 35 feet of right-of-way from the existing pavement centerline along the Subject Property frontage for Westerly Road.
4. Prior to the approval of a record plat, the Applicant must receive approval of a stormwater concept plan from the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated October 4, 2021, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.

6. The Planning Board has reviewed and accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated July 20, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Well and Septic Section in its letter dated June 25, 2021, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. 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 Administrative Subdivision Plan approval.
8. The record plat must show necessary easements.
9. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.
10. Prior to recordation of the plat, the Applicant must record a covenant for the unplatted balance of the tract noting that density and development rights have been used for the new lot and noted on the record plat for the lot.
11. The Applicant must include with the submission of the record plat an affidavit to verify the availability of a Transferable Development Right (TDR) for each lot shown on that plat. Include a note referencing the affidavit on record plat.
12. The record plat(s) must contain the following note:

Agriculture is the preferred use in the Agricultural 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.
13. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the date of mailing of this Planning Board Resolution.
14. The Administrative Subdivision Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.
15. The certified Administrative Subdivision Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the

zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

SECTION 1 - ADMINISTRATIVE SUBDIVISION SUMMARY

Section 50.6.1 of the County Code permits subdivision of land by filing an Administrative Subdivision Plan instead of a Preliminary Plan of Subdivision in limited circumstances. The necessary technical requirements of these applications must be reviewed under Section 50.4.3.

Under Section 50.6.3.B, the Planning Director must act upon the Application, in writing, or may require that the Application be acted upon by the Planning Board. In this particular case, the proposed lot is greater than 5 acres in the AR zone. Therefore, it requires Planning Board action.

A Pre-submittal Community Meeting is not required. However, applicants must post signs on the development site and provide public notice that the Application has been filed under Section 50.00.01.04 of the Administrative Procedures for Subdivision Plan Review. In this case, the Applicant posted Application signs along the frontage of the Property and sent notices the required parties.

SECTION 2 - PROPERTY AND VICINITY DESCRIPTION

Site Location

The subject property is located west of Poolesville, on the northside of Westerly Road, approximately 1,000 feet west of West Willard Lane, and consists of 33.92 acres of land identified as Parcel P480 on Tax Map CT122, in the Agricultural Reserve (AR) zone ("Subject Property") and within the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan* ("Master Plan") area.

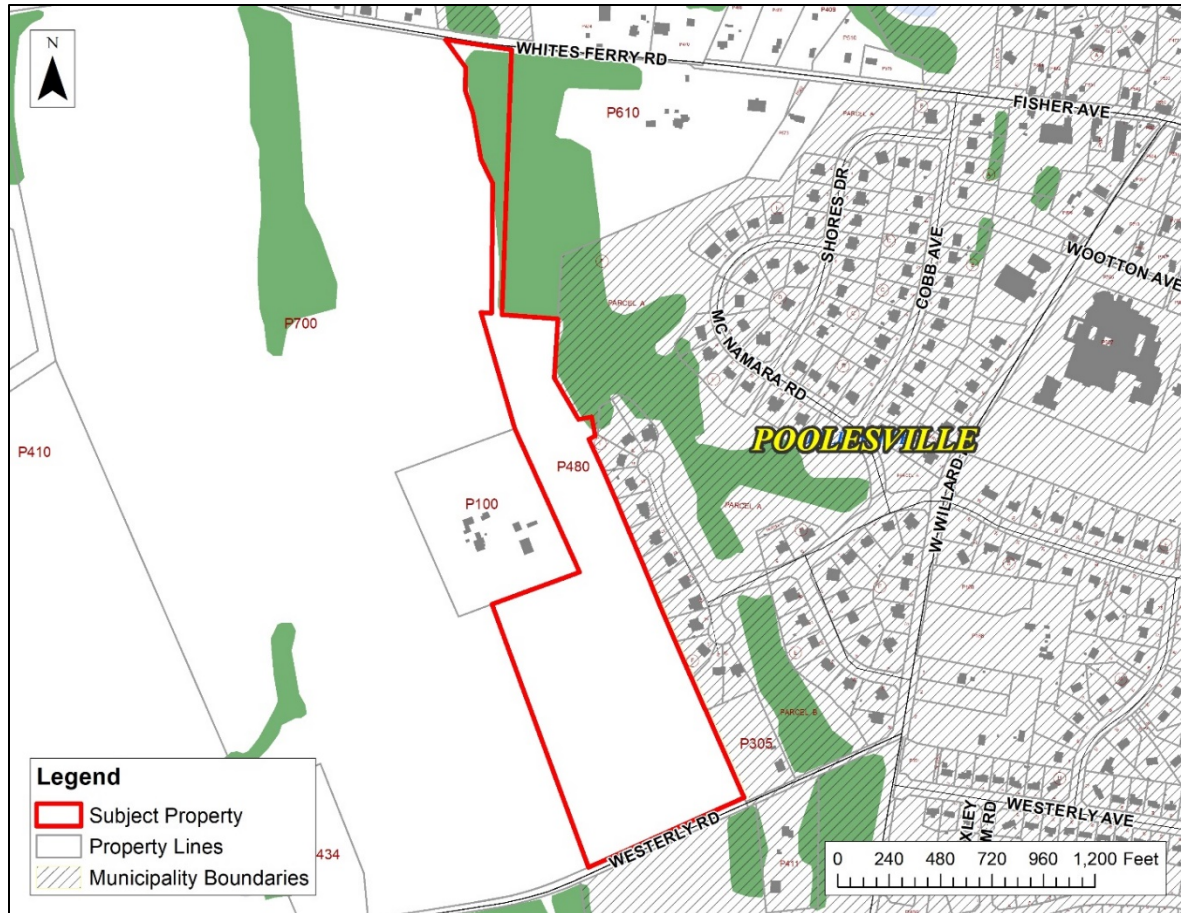


Figure 1 – Vicinity Map

Vicinity and Site Description

The Property has frontage on Westerly Road and Whites Ferry Road. As depicted in the figures below, the Property is a working farm, known as J&M Andrews Farm. The surrounding area is predominately farm and agricultural land, except to the east, which is in the limits of the Town of Poolesville and developed as small lot residential detached houses. On the Subject Property, parallel to the western Property line is an existing 10-foot-wide driveway that serves the existing dwelling on Parcel 100. The existing driveway and 60-foot-wide access easement (Book 19806 Page 566) are being retained. The Property is within the W-6 and S-6 water and sewer service categories, respectively.

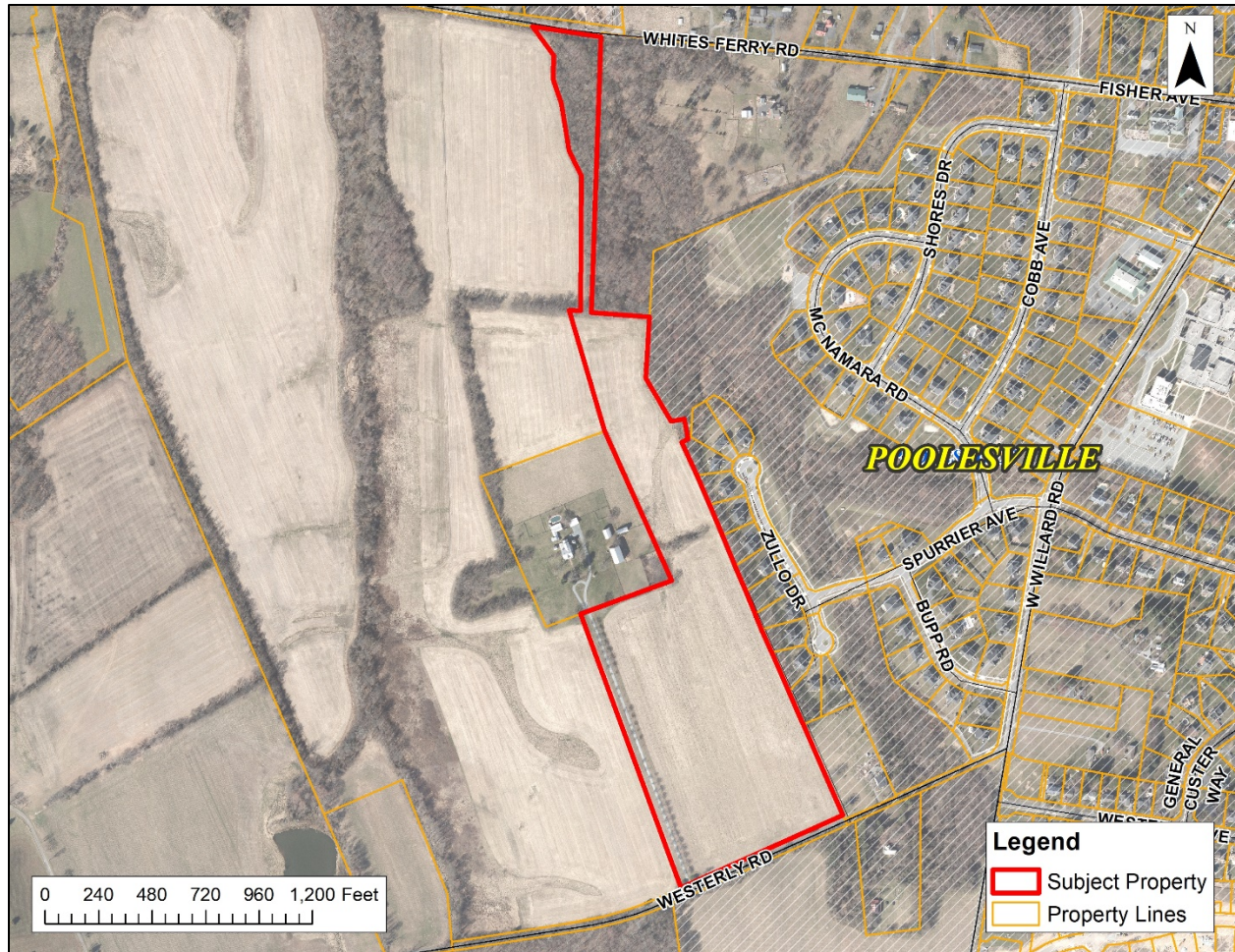


Figure 2 – Existing Property

The Property is located within the Broad Run watershed. This watershed is classified by the State of Maryland as Use Class I-P waters. The Property has rolling topography that slopes down from Westerly Road to the northern Property line at Whites Ferry Road. Adjacent to White's Ferry Road there is an existing forest stand, a segment of a stream and associated 100-year flood plain.

SECTION 3 - PROPOSAL

History

Administrative Subdivision Plan No.620190110

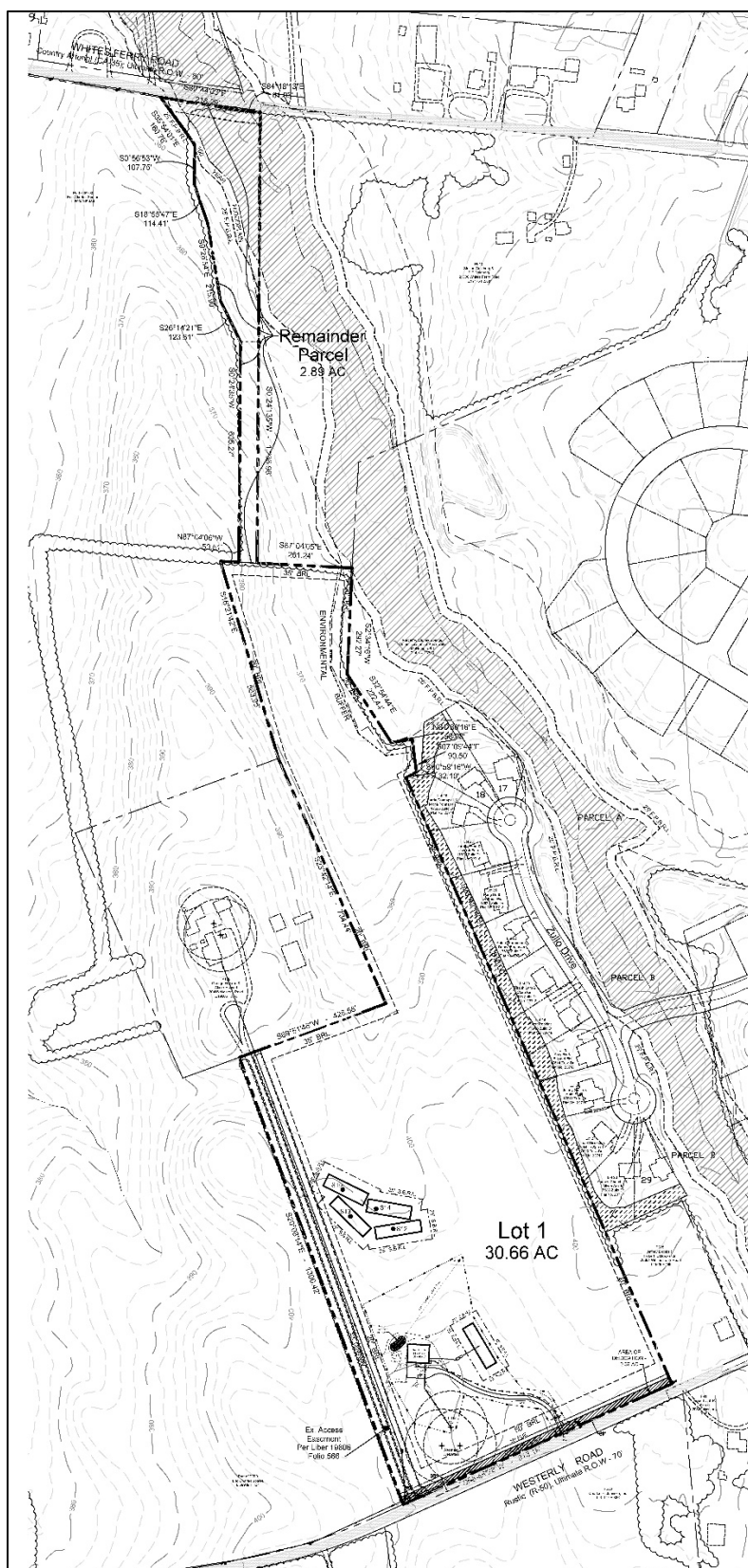
On November 7, 2019, the Planning Board granted a continuance of J&M Andrews Farm, Administrative Subdivision Plan No. 620190110, which proposed the creation of three lots on 198.70 acres of land in the AR zone; Parcel 700 on Tax Map CT122. The continuance was granted to allow the Applicant to wait for a change in the Forest Conservation Law that affected the viability of the Application. Subsequently, the Application was revised to include only 33.92 acres instead of the original 198.70 acres because 164.78 acres were sold to a neighboring farmer.

Current Application

On April 21, 2021, Patricia Smith (PBS, Inc.) ("Applicant") filed a revised Administrative Subdivision Plan Application designated J&M Andrews Farm Administrative Subdivision Plan No. 620190110 ("Administrative Plan" or "Application"). The Application was filed for approval of one 30.66-acre lot for a single-family detached unit and creation of a 2.89-acre unplatted agricultural remainder parcel on the Subject Property.

The agricultural remainder parcel will not be platted as part of this Administrative Subdivision and for the for all intents and purposes is not part this review.

A new well and sand mound septic system will be installed to serve the lot. As conditioned, the Applicant must receive approval of a stormwater management concept from MCDPS Water Resources Section prior to record plat. This Application also includes a Final Forest Conservation Plan No. 620190110 (Attachment A).



SECTION 4 - ANALYSIS AND FINDINGS FOR CHAPTER 50

Section 6.1.B - Applicability

Subdivision for creation of certain residential lots located in the Agricultural Reserve zone. Up to 5 lots for detached houses are permitted under these procedures in the AR zone if:

1. *Written approval for a proposed well and septic area is received from the Department of Permitting Services before approval of the plat;*

The Application has been reviewed by MCDPS – Well and Septic Section, which determined the proposed well and septic locations are acceptable as shown on the Administrative Subdivision Plan and approved in a letter dated June 25, 2021 (Attachment B).

2. *Any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant provides any required improvements;*

The Property has frontage on two roads, Whites Ferry Road to the north and Westerly Road to the south. Westerly Road is a Rustic Road (R-50) with an ultimate right-of-way of 70 feet. Whites Ferry Road is a County Arterial (CA-35) with an ultimate right-of-way of 80 feet. Dedication for Whites Ferry Road is not required at this time because the portion of the Property fronting on Whites Ferry Road will not be platted and will be left as an agricultural remainder parcel. The Applicant is dedicating 0.37 acres to achieve 35 feet from the existing centerline of Westerly Road. All necessary dedications and public utility easements will be shown on the record plat.

3. *The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat;*

As discussed below, public facilities are adequate to serve the proposed lot.

4. *A covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat for the lots;*

As conditioned, prior to recordation of the plat, the Applicant will record a covenant for the unplatted balance of the tract noting that density and development rights have been used for the new lot and noted on the record plat for the lot. The Applicant provided a deed (Attachment C) confirming that a TDR has been retained for development of the proposed dwelling unit.

5. *Lots created in the AR zone through this procedure are 5 acres or less, unless approved by the Board; and*

The proposed 30.66-acre lot exceeds the 5-acre lot size limit, and requires Planning Board action. The lot shape and proposed house location, at the southwest corner of the Property allows retention of a large contiguous area of farmable land on the proposed lot making it adequate to establish a farm on the Subject Property.

6. *Forest conservation and environmental protection requirements are satisfied before approval of the plat.*

As discussed below, a Final Forest Conservation Plan has been submitted with the Administrative Subdivision Plan. The Applicant has submitted a stormwater concept plan to MCDPS – Water Resources Section for their review. As conditioned, the Applicant must have an approved stormwater concept plan prior to approval of a record plat.

Section 4.3 – Technical Review

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;*

- a. *The block design is appropriate for the development or use contemplated*

The Application proposes no new residential blocks.

- b. *The lot design is appropriate for the development or use contemplated*

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. The proposed lot size, width, shape, and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and the intent of the AR zone, to preserve and support agriculture. In this case, by permitting a single family detached dwelling unit on a lot with over 25 acres to farm, it promotes the continuation of on-site agriculture.

- c. *The Preliminary Plan provides for required public sites and adequate open areas.*

The lot was reviewed for compliance with Section 50.4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

- d. *The Lot and Use comply with the basic requirements of Chapter 59*

The lot was reviewed for compliance with the dimensional requirements for the AR zone as specified in the Zoning Ordinance. The lot meets the dimensional requirements for area and width in the AR zone and is suitable to support a single-family detached house and agriculture. A summary of this review is included below in the Administrative Subdivision Plan Data Table below.

Table 1 – Development Standards

AR Zone	Required by the Zone	Proposed Lot 1
Minimum Lot Area	40,000 sq. ft.	30.66 acres or 1,335,549 sq. ft.
Minimum Lot Frontage	25 feet	913 ft.
Minimum Lot Width at B.R.L.	125 feet	797 ft.
Maximum Lot Coverage	25%	25% or less
Minimum Setbacks*		
Front	50 feet	50 feet or greater
Side	20 feet	20 feet or greater
Rear	35 feet	35 feet or greater
Building Height	50 feet max.	50 feet max.
Site Plan Required	No	No

**Final setbacks and coverage to be determined at building permit*

The Application is consistent with Section 59.4.2.1.C of the Zoning Ordinance, which states that in the Agricultural Reserve Zone “residential uses must be located and arranged to support agriculture as the primary use and to support the rural character of the area”. This Application proposes to create a single lot capable of supporting a single-family detached house and small-scale agricultural production.

2. *The preliminary plan substantially conforms to the master plan;*

The Administrative Subdivision Plan substantially conforms to the 1980 *Preservation of Agriculture and Rural Open Space Master Plan* (AROS). The AROS Plan, which makes recommendations for land in the AR Zone, has as its primary objective the preservation of farmland and the creation of policies that encourage the continuation of farming and associated activities. This objective has generally been implemented by encouraging preservation of large contiguous blocks of farmable land when subdivision occurs. This Application creates one large lot that is suitable as an individual farm.

With the evolution of farm activities that can be done on smaller properties, the proposed lot created by this proposal may successfully encourage continued farming in this part of the County and further the goals of the Master Plan.

1996 Rustic Roads Functional Master Plan

The proposed lot will access Westerly Road (R-50) which is identified as a Rustic Road in the 1996 *Rustic Roads Functional Master Plan* (“Functional Master Plan”) for the portion of the road between Edwards Ferry Road and the Town of Poolesville Limits. Westerly Road has 20 feet of existing pavement and an ultimate right-of-way width of 70 feet.

The Functional Master Plan states that the significant features of Westerly Road in this location while traveling west from Poolesville are the long open views of three farmsteads and the surrounding fields. The new driveway and house are located so as not to interrupt the existing viewshed, and no tree or hedge row clearing is required to construct the driveway. As such the proposed driveway will not adversely affect the views described in the Functional Master Plan.

The new driveway access point from Westerly Road is the minimum width permitted by the MCDPS – Fire Access and Water Supply Section and maintains the existing character of horse pasture along this portion of the road and is consistent with the intent of the Functional Master Plan.

The Rustic Roads Advisory Committee (“RRAC”) has reviewed the Application, and in a letter dated June 3, 2021, (Attachment D) the RRAC offered their support of the Application. The Application has also been reviewed by the MCDOT, which in a letter dated October 4, 2021, recommended approval with conditions (Attachment E). Prior to approval of the record plat, the Applicant will need to verify that adequate sight distance can be achieved at the entrance of the new driveway, which may require relocation of an existing utility pole along the Property frontage.

3. *Public facilities will be adequate to support and service the area of the subdivision;*

Roads and Transportation Facilities

The transportation Adequate Public Facilities test is satisfied under the 2021-2024 Growth and Infrastructure Policy. The Property is located in the Rural West Policy Area.

Westerly Road (R-50) is a Rustic Road requiring 70 feet of right-of-way in accordance to the 1996 *Rustic Roads Functional Master Plan*. The Application proposes to grant 35 feet of right-of-way from the centerline. This amount of right-of-way dedication conforms to the Functional Master Plan requirements.

A traffic study is not required to satisfy the APF’s Local Area Transportation Review (LATR) test because the new single-family detached unit does not generate 50 or more person trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

An on-site well and septic system will be installed to serve the new lot. The use of a well and septic system is consistent with the existing W-6 and S-6 services categories designated for the Property. The Application has been reviewed by MCDPS – Well and Septic Section, which determined the proposed well and septic location is acceptable as shown on the Administrative Subdivision Plan and approved in a letter dated June 25, 2021 (Attachment B).

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated July 20, 2021 (Attachment F).

With the exception of water and sewer, which is not available in this part of Montgomery County, other utilities are available along Westerly Road and will be brought into the site as needed. All other public facilities and services, police stations, and health services are currently operating within the standards set by the 2021-2024 Growth and Infrastructure Policy.

School Adequacy

The FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This Application proposes one single-family detached unit.

The Application is served by Poolesville ES, John Poole MS and Poolesville HS. Based on the FY22 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2 – Applicable FY2022 School Adequacy

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Poolesville ES	539	513	95.2%	+26	No UPP	111	134	215
John Poole MS	468	406	86.8%	+62	No UPP	188	213	232
Poolesville HS	1,508	1,373	91.0%	+135	No UPP	315	437	663

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. **Under the FY22 Annual School Test, Poolesville ES and John Poole MS and Poolesville HS do not require a UPP as identified in Table 2.** If the Application is estimated to generate more students than the identified ceilings, then UPPs or partial payments at multiple tiers may still be required. Based on the school capacity analysis performed, using the FY2022 Annual School Test, this Application is not subject to a Utilization Premium Payment.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied;*

a. Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420190760 for this Property was approved on April 25, 2019. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property, including existing forest and stream buffer on the proposed agricultural remainder parcel.

b. Forest Conservation Plan

Chapter 50, Section 6.1 of the County Code permits subdivision of land by filing an Administrative Subdivision Plan instead of a Preliminary Plan of Subdivision in limited circumstances. Under 50.6.1.B.6, the forest conservation requirements for an Administrative Subdivision are required to be met prior to approval of the record plat. The Applicant has submitted a Preliminary/Final Forest Conservation Plan with this Application.

This Application proposes to create a lot and a farm remainder out of the existing farm parcel to accommodate a single-family detached structure, while maintaining enough acreage to function as farmland. The Application consists of a 33.92-acre parcel. The Application is consistent with Section 59.4.2.1.C of the Zoning Ordinance, which states that in the Agricultural Reserve Zone “residential uses must be located and arranged to support agriculture as the primary use and to support the rural character of the area”. Areas of the Application not related to the residential portions of the Property will be actively farmed and remain in agriculture.

The Subject Property is 33.92 acres in size in the AR Zone. The AR Zone is assigned a Land Use Category of Agricultural Resource Area as defined in Section 22A-3 of the FCL and in the Land

Use Table of the Trees Technical Manual. This results in an afforestation requirement of 20% of the Net Tract Area.

The Application has a tract area of 33.92 acres. The Applicant is agriculturally exempting off 28.82 acres which will be kept in active commercial agriculture and is covered with an Agricultural Declaration of Intent (see Sheet 1 of the FFCP). The FFCP shows a total Net Tract Area of 4.80 acres. There is no existing forest on the proposed lot. This results in an afforestation requirement on the FFCP Worksheet of 0.96 acres. The afforestation requirement will be met offsite at a ratio of 2:1 on the farm remainder portion of the Property retaining and preserving 1.95 acres of existing offsite forest in a Category I Conservation Easement.



Figure 4 – Final Forest Conservation Plan

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

As conditioned, the Applicant must receive approval of a stormwater management concept from the MCDPS – Water Resources Section prior to record plat.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory. Therefore, this finding does not apply.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

There are no other applicable provisions specific to the Property that are necessary for approval.

SECTION 5 - COMMUNITY OUTREACH

On April 23, 2021, the Applicant sent out an application notice to parties of record. The notice gave any interested parties 15 days to review and comment on the contents of the Application. No correspondence has been received regarding this Application.

SECTION 6 - CONCLUSION

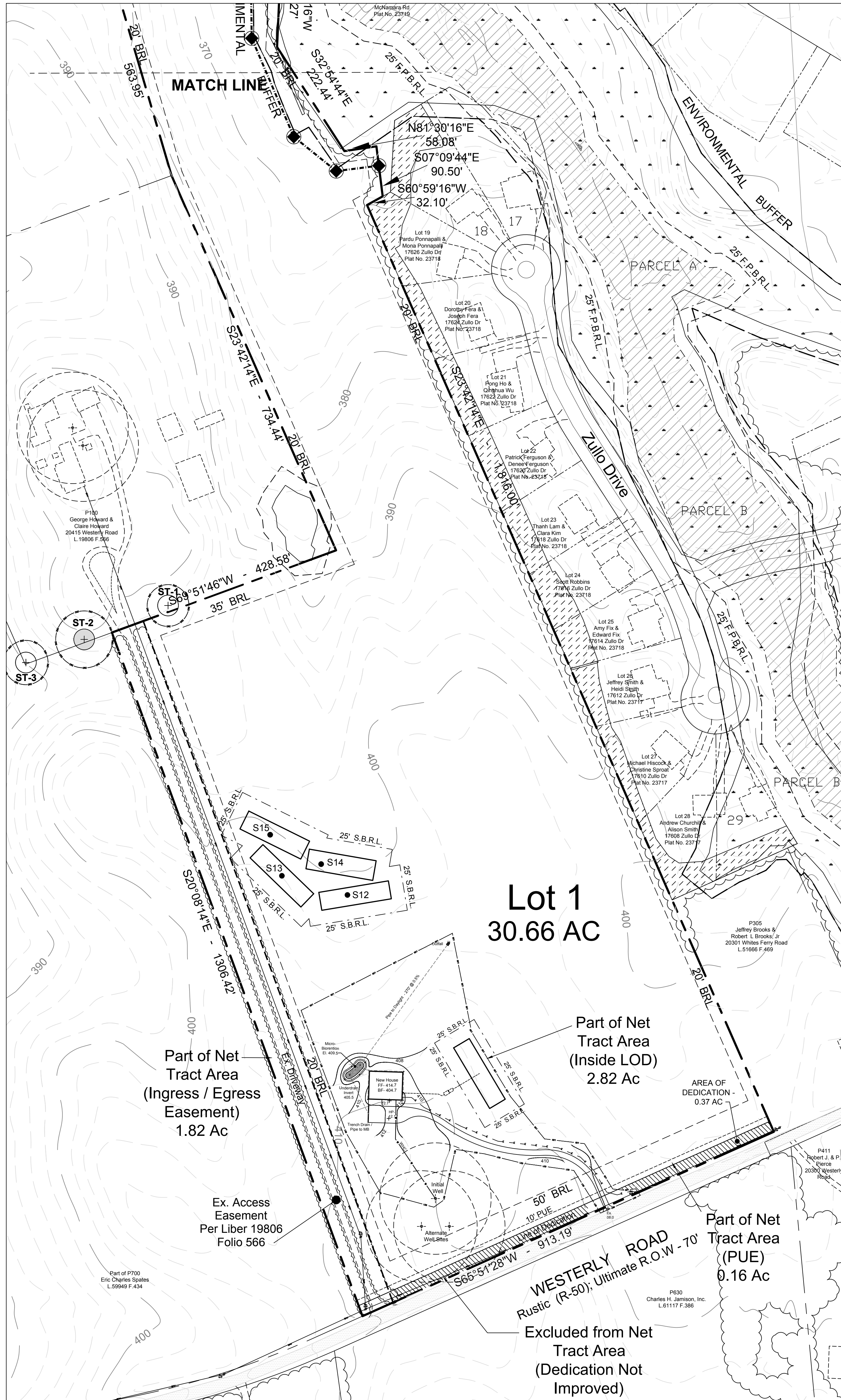
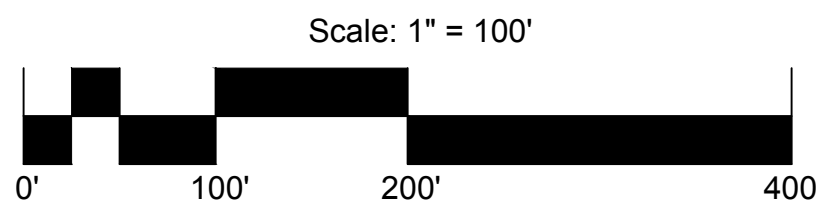
The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.B. The lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application, except for DPS-SWM whose approval will have to be obtained prior to record plat.

Attachments

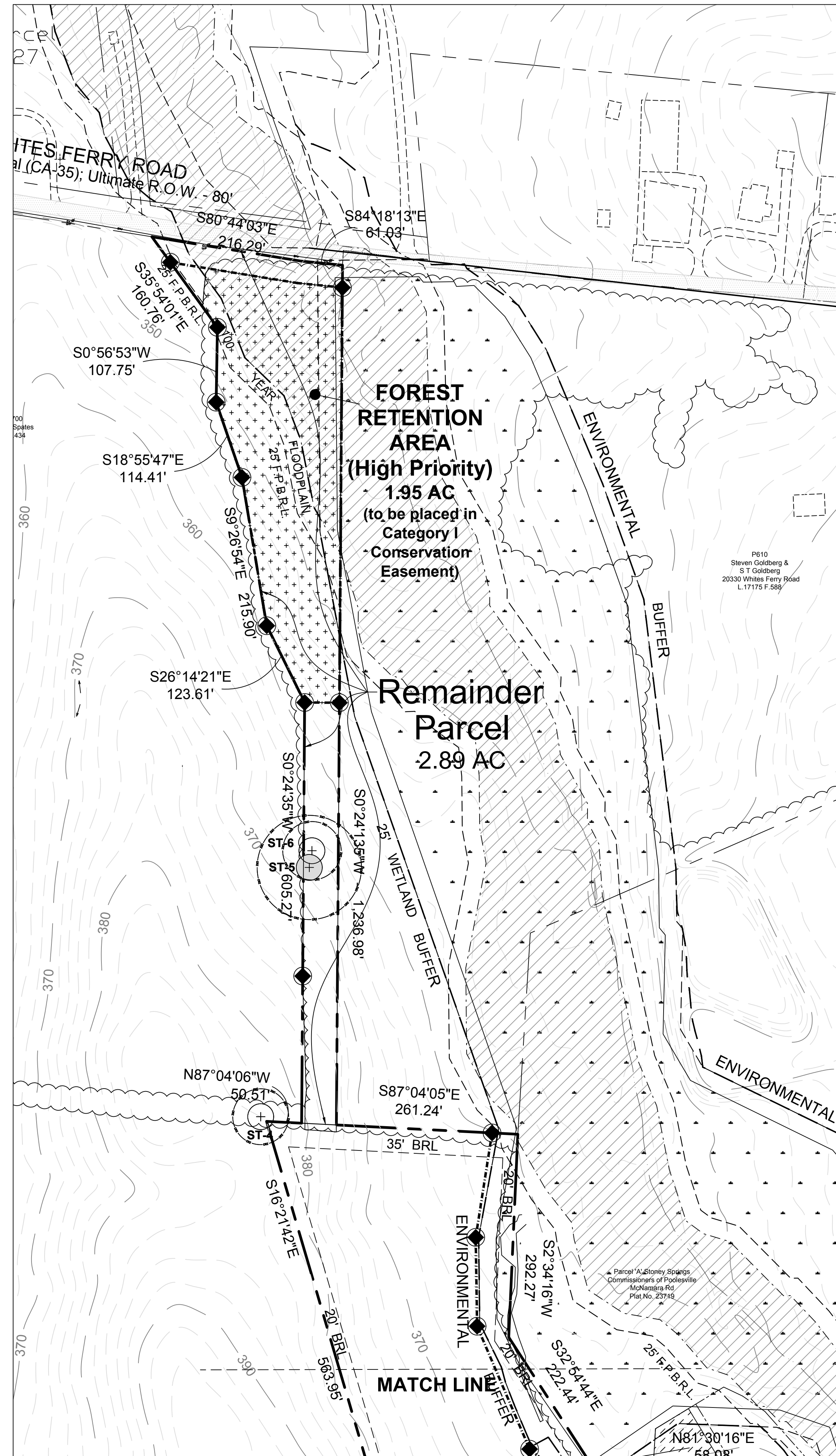
Attachment A – Final Forest Conservation Plan
Attachment B – MCDPS, Well and Septic Letter
Attachment C – Deed History (TDRs)
Attachment D – Rustic Road Advisory Committee Letter
Attachment E – MCDOT Letter
Attachment F – MCDPS, Fire Access Letter

LEGEND:

- Property Line
Proposed House
Sand Mound
Septic System
Water House
Connection (from well)
Ex. Contour
Proposed Contour
Building Restriction Line
Limit of Disturbance
Micro-Bioretentation
Ex. Canopy
Ex. Building
Ex. Road
Area of Dedication
Septic Tank
Wells
Environmental Buffer (from NRI/FSD)
Proposed Conservation Easement Line
Forest Retention Area
Forest Clearing Area
Significant Tree
Specimen Tree
Critical Root Zone
Conservation Easement Marker
Ex. Conservation Easement
Wetlands
100-Year Floodplain
25' Floodplain BRL



DETAIL VIEW:
1" = 100'



DETAIL VIEW:
1" = 100'

Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

Signature: [Signature] Date: 06-09-2021 Exp. Date: 10-21-2022



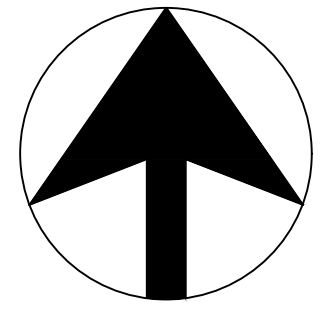
DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all of the features of the Approved Final Forest Conservation Plan No. 620190110 including financial bonding, forest planting, maintenance, and other applicable agreements.

Developer's Name: J & M Andrews Farm, LLC
Printed Company Name
Contact Person or Owner: Patricia B. Smith
Printed Name
Address: 6310 Friendship Court, Bethesda, MD 20817
Phone and Email: 301-530-9152, pbs100@verizon.net
Signature:

Revisions

Rev. 06-09-2021



date: 11/24/2020
scale: 1" = 100'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 945-0240



PRELIMINARY / FINAL FOREST CONSERVATION PLAN
J & M Andrews Farm
Part of Parcel 700, Tax Map CT122
Montgomery County, Maryland

WSSC GRID 2244W20

TAX MAP CT122

M-NCPPC FILE NO.
620190110

SHEET 2 OF 3

Sequence of Events for Properties Required to Comply With Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
2. The property owner must arrange for the meeting and following people **should** must participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/Maryland Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
 - a. Typical tree protection devices include:
 - i. Chain link fence (four feet high)
 - ii. Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
 - iii. 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 - b. Typical stress reduction measures may include, but are not limited to:
 - i. Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector
 - ii. Crown Reduction or pruning
 - iii. Watering
 - iv. Fertilizing
 - v. Vertical mulching
 - vi. Root aeration systemsMeasures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.
3. A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including

Page 1 of 3

February 2017

photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.

4. Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.
5. Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
 - a. Parking or driving of equipment, machinery or vehicles of any type.
 - b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
 - c. Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
 - d. Felling of trees into a protected area.
 - e. Trenching or grading for utilities, irrigation, drainage, etc.
6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

9. After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - a. Removal, and possible replacement, of dead, dying, or hazardous trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering
 - f. Wound repair
- g. Clean up of retention areas, including trash removal
10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

Page 2 of 3

February 2017

INSPECTIONS

All field inspections must be requested by the applicant.

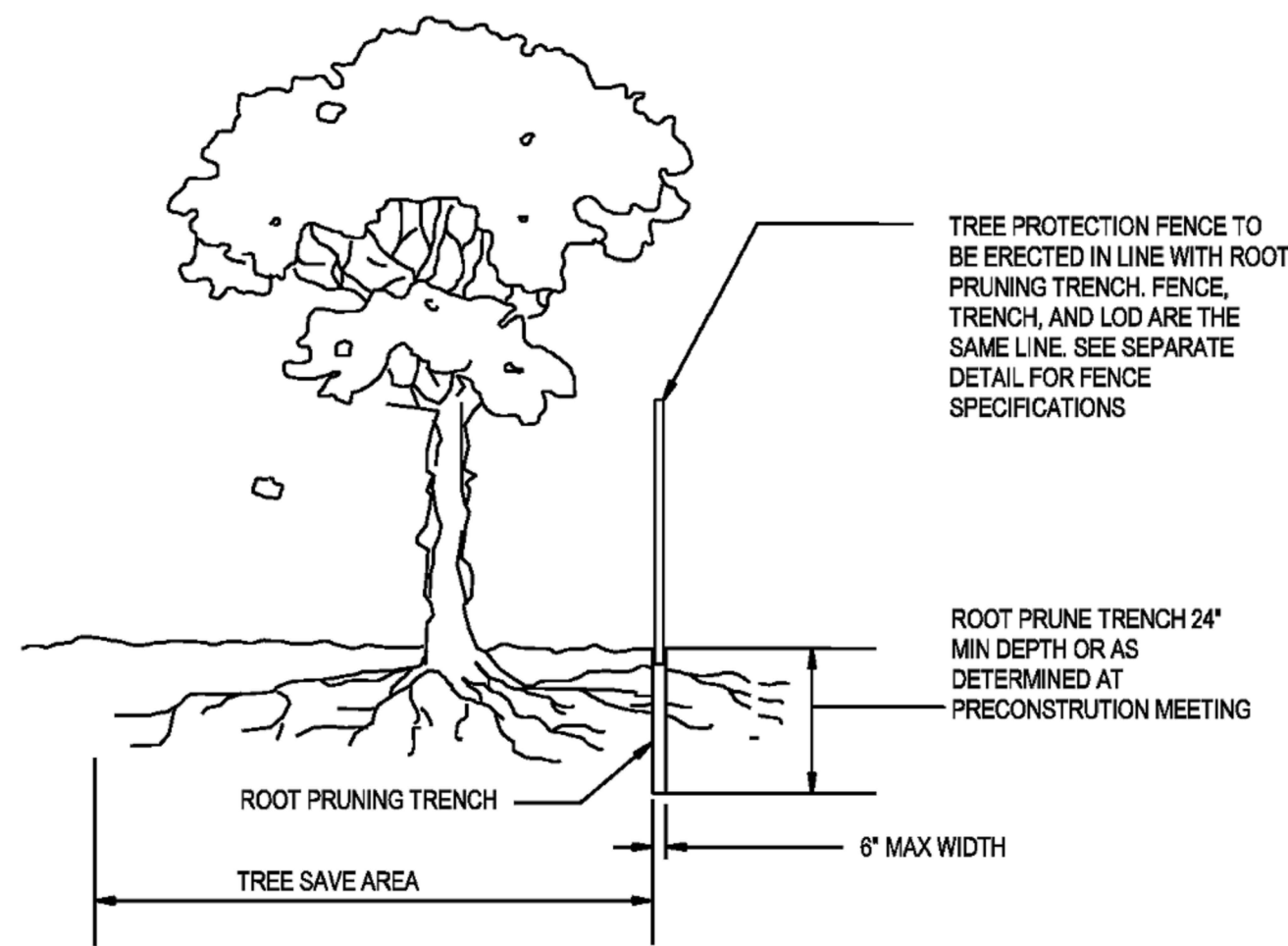
Inspections must be conducted as follows:

Plans without Planting Requirements

- 1) After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
- 2) After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing or grading begins and before release of the building permit.
- 3) After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements

- 4) Before the start of any required reforestation and afforestation planting.
- 5) After required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance period.
- 6) At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

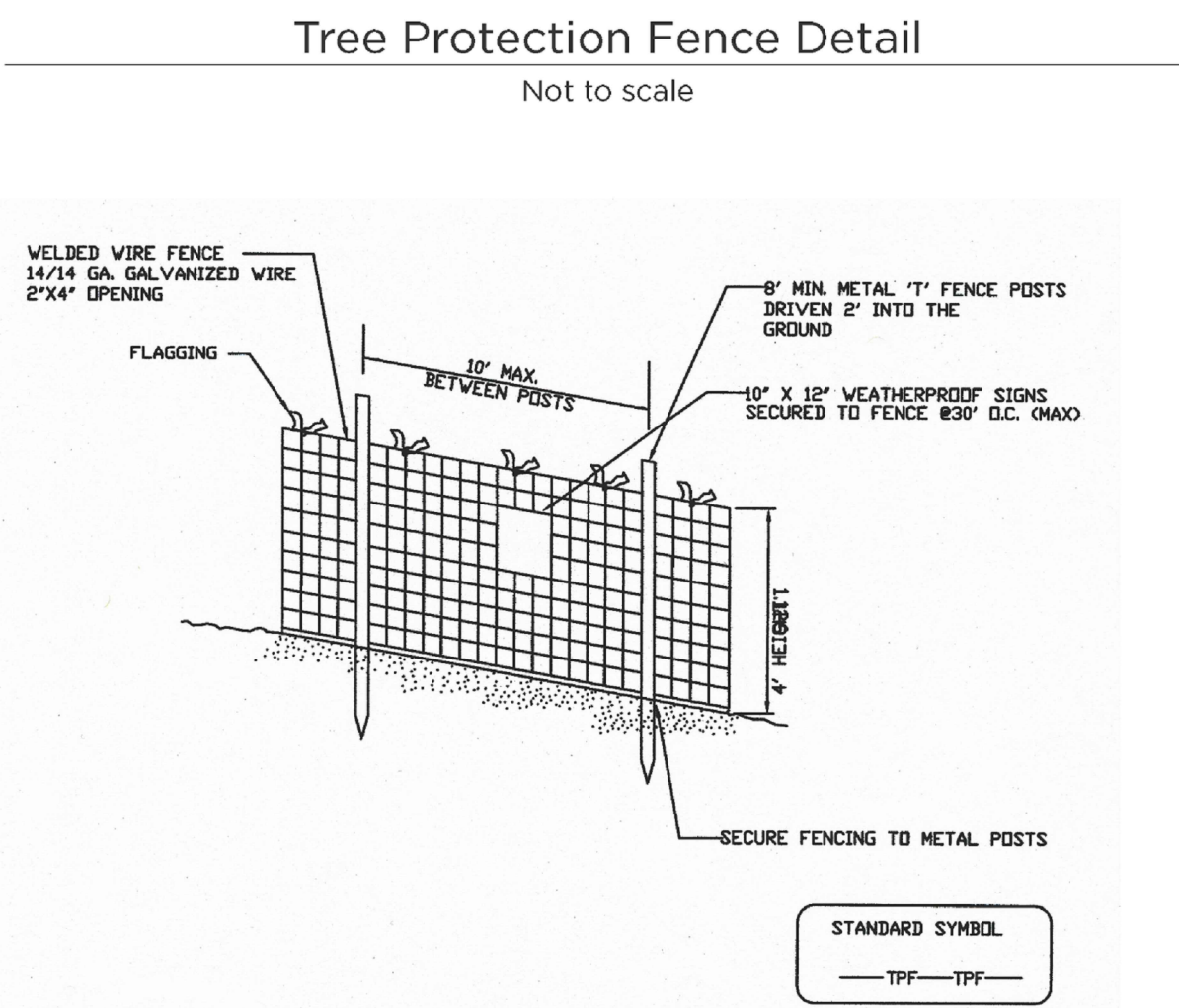


NOTES:

1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.
2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING.
3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INSPECTOR.
4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.
5. ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.
6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.

ROOT PRUNING DETAIL

NTS

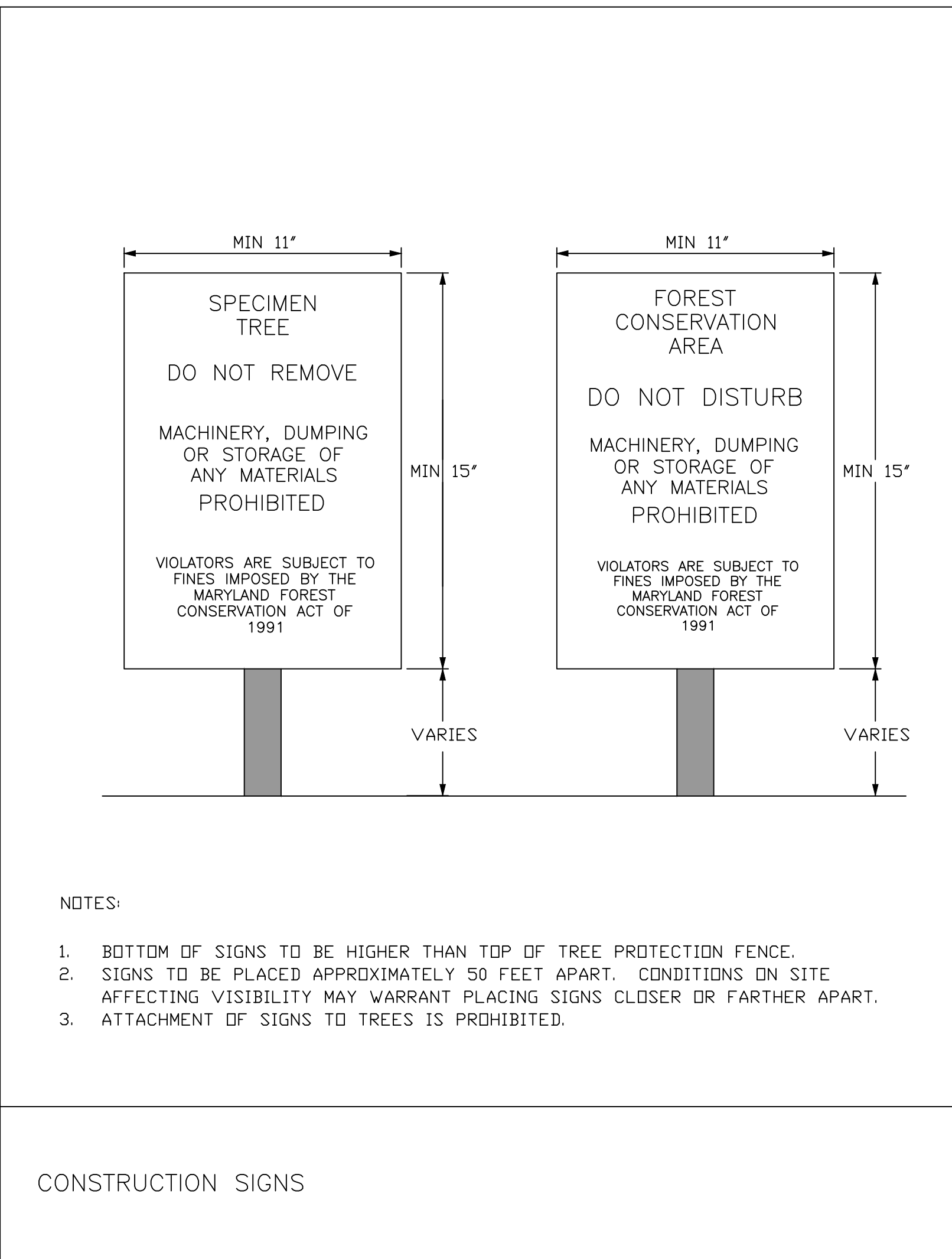
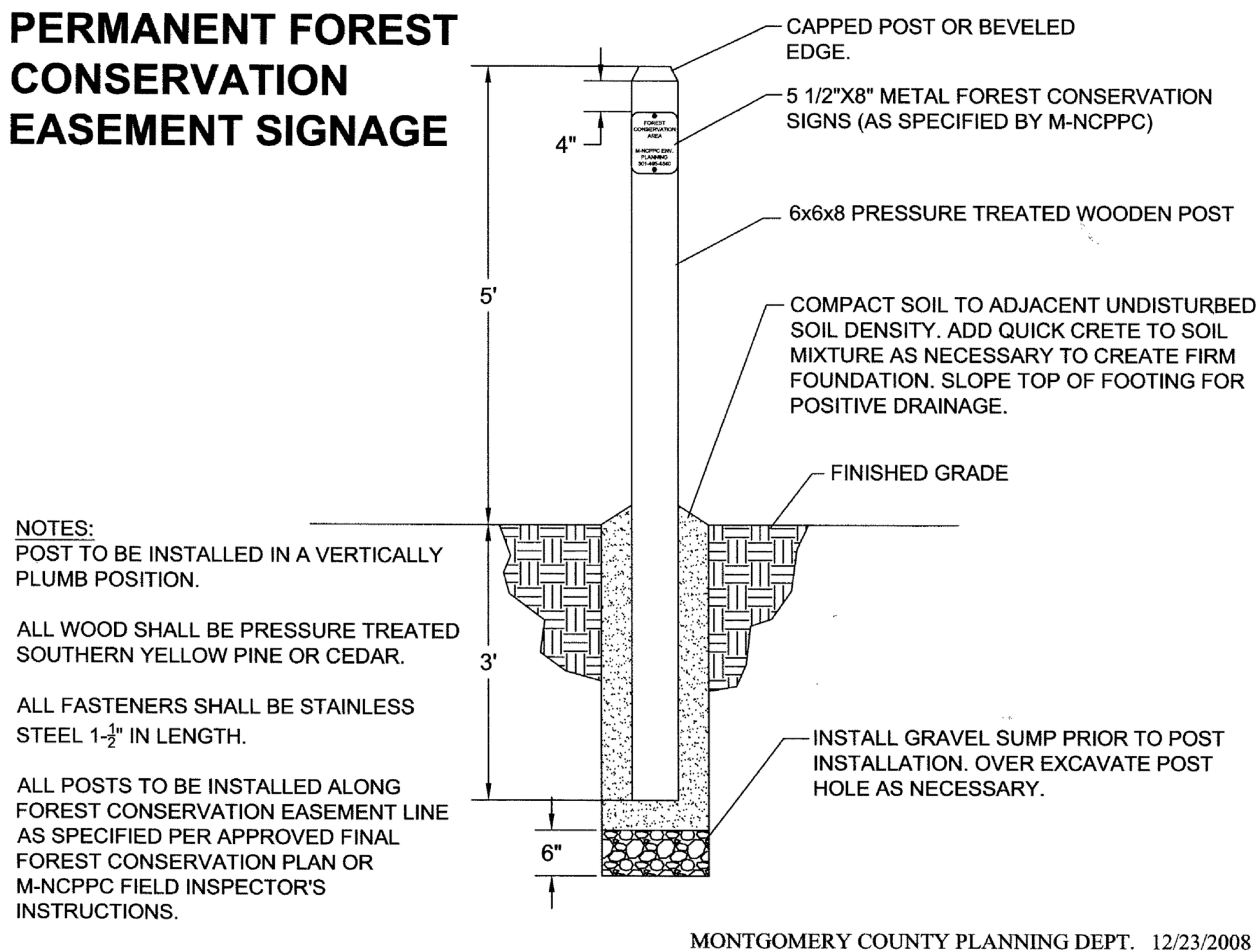


NOTES:

1. Practice may be combined with sediment control fencing.
2. Location and limits of fencing should be coordinated in field with arborist.
3. Boundaries of protection area should be staked prior to installing protective device.
4. Root damage should be avoided.
5. Protection signage is required.
6. Fencing shall be maintained throughout construction.

Montgomery County Planning Department • M-NCPPC
MontgomeryPlanning.org

PERMANENT FOREST CONSERVATION EASEMENT SIGNAGE



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all of the features of the Approved Final Forest Conservation Plan No. 620190110 including financial bonding, forest planting, maintenance, and other applicable agreements.

Developer's Name: J & M Andrews Farm, LLC
Printed Company Name
Contact Person or Owner: Patricia B. Smith
Printed Name
Address: 6310 Friendship Court, Bethesda, MD 20817
Phone and Email: 301-530-9152, pbs100@verizon.net
Signature: _____



Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

Signature: [Signature] Date: 06-09-2021 Exp. Date: 10-21-2022

Revisions

Rev. 06-09-2021

date: 11/24/2020

scale: N/A

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240

B&A

PRELIMINARY / FINAL FOREST CONSERVATION PLAN
J & M Andrews Farm
Part of Parcel 700, Tax Map CT122
Montgomery County, Maryland

WSSC GRID 224NW20

TAX MAP CT122

M-NCPPC FILE NO.
620190110

SHEET 3 OF 3



DEPARTMENT OF PERMITTING SERVICES


Marc Elrich
County Executive

Mitra Pedoeem
Director

MEMORANDUM

June 25th, 2021

TO: Jonathan Casey
Development Review
Maryland National Capital Park and Planning Commission

FROM: Heidi Benham, Manager 
Well and Septic Section
Department of Permitting Services

SUBJECT: Status of Administrative Subdivision : J & M Andrews Farm
620190110

This is to notify you that the Well & Septic Section of MCDPS approved the administrative subdivision plan received in this office on June 17th, 2021.

Approved with the following reservations:

1. The record plat must show the wells and sand mound septic reserve areas as they are shown on this plan.
2. All lots to use sand mounds. Prior to approval of any permits for the lots, all sand mound areas must be fenced with 4-foot high orange construction fencing which must remain in place until all construction has been completed.
3. Any physical disturbance or compaction of a sand mound site could render that site non-functional and therefore negate this approval.

If you have any questions, please contact Heidi Benham at (240) 777-6318.

Cc: Benning & Assoc.

Tax Account No.: 03-00033820 ✓

COUNTY FARM TAX PAID APPROVED BY mp

JUN 29 2020

BOOK: 59949 PAGE: 434

Deed\$~~16,937.50~~ RECORDATION TAX PAID\$~~14,250.00~~ TRANSFER TAX PAID

This Deed, made this 29th day of May, 2020, by and between **J&M ANDREWS FARM, LLC**, a Maryland limited liability company (the "Grantor") and **ERIC CHARLES SPATES**, (the "Grantee").

WITNESSETH, That in consideration of the sum of ONE MILLION FOUR HUNDRED TWENTY-FIVE THOUSAND and 00/100 DOLLARS (\$1,425,000.00), which sum the Grantor warrants to be the full and actual consideration paid for the within conveyance, the Grantor GRANTS and CONVEYS unto the Grantee, in fee simple, as Sole Owner, all of Grantor's right title and interest in and to that parcel of land located in Montgomery County, Maryland, being more particularly described as:

SEE EXHIBIT "A" ATTACHED HERETO

Part of Parent Parcel ID No. 03-00033820

Property Address: Whites Ferry Road, Poolesville, Maryland

BEING a part of the same property described in a Confirmatory Deed dated December 22, 2016, and recorded on January 05, 2017, in Book 53529, page 178, among the Land Records of Montgomery County, Maryland confirming the vesting of title in the Grantor pursuant to Articles of Transfers filed with the Maryland State Department of Assessment and Taxation and evidenced by two (2) Certificate(s) of Conveyance recorded in Book 53568, Page 34, et. seq., and Book 54889, Page 235, et. seq., among the aforesaid Land Records.

TOGETHER with all improvements thereon and the rights and privileges belonging to it.

AND ALSO TOGETHER WITH Grantor's right, title and interest in two (2) of the remaining three unsevered and unserialized transferrable development rights appurtenant to the land comprising tax account 03-00033820; but reserving to the Grantor those seventeen (17) serialized TDR's (Nos. 17-9721-9734, and Nos. 17-9746-9748) and also reserving to the Grantor those four (4) BLT's numbered BLT-058 through BLT-061.

SUBJECT to the easements, covenants and restrictions of record.

TO HAVE AND TO HOLD the property with the rights, title, privileges, appurtenances and advantages thereunto belonging to it for the use and benefit forever of Grantee in fee simple as Sole Owner.

AND the said Grantor covenants to warrant specially the property hereby conveyed and to execute such further assurances of the property conveyed as may be requisite.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County

As 6/2/2020

AGRICULTURE TRANSFER TAX IN THE

AMOUNT OF \$ 3 p.l.xSIGNATURE As 6/2/2020


Return to:
Miller, Miller & Canby
Chartered
200B Monroe Street
Rockville, MD 20850

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed, acknowledged and delivered on the date set forth above.

BOOK: 59949 PAGE: 435

GRANTOR:

J&M ANDREWS FARM, LLC, a Maryland
Limited liability company

By: 
Michael D. Rubin, Co-Manager

STATE OF SOUTH CAROLINA

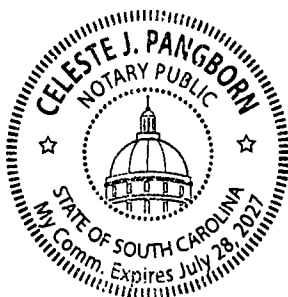
COUNTY OF AIKEN, to wit:

I HEREBY CERTIFY that on May 26, 2020, before the undersigned, a Notary Public for the State and County set forth above, personally appeared Michael D. Rubin known to me, or satisfactorily proven to be the person whose name is subscribed herein, who made oath in due form of law and acknowledged himself to be the Managing Member of J&M Andrews Farm, LLC, a Maryland limited liability company, the Grantor herein, and in such capacity and being authorized so to do, executed the foregoing Deed on behalf of J&M Andrews Farms, LLC, for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[SEAL]


Notary Public SC
My Commission Expires: 7-28-27

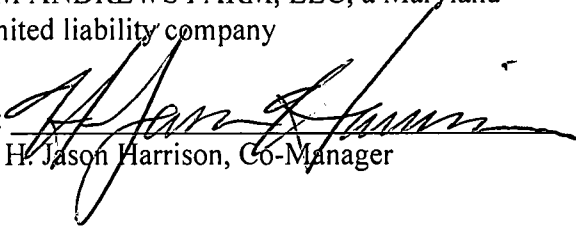


IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed, acknowledged and delivered on the date set forth above.

GRANTOR:

J&M ANDREWS FARM, LLC, a Maryland
Limited liability company

By:


H. Jason Harrison, Co-Manager

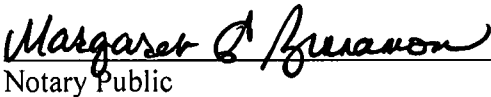
STATE OF Maryland

COUNTY OF Montgomery, to wit:

I HEREBY CERTIFY that on May 27, 2020, before the undersigned, a Notary Public for the State and County set forth above, personally appeared H. Jason Harrison known to me, or satisfactorily proven to be the person whose name is subscribed herein, who made oath in due form of law and acknowledged himself to be the Co-Manager of J&M Andrews Farm, LLC, a Maryland limited liability company, the Grantor herein, and in such capacity and being authorized so to do, executed the foregoing Deed on behalf of J&M Andrews Farms, LLC, for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

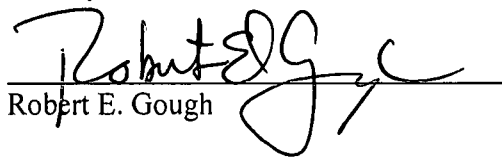
[SEAL]


Notary Public

My Commission Expires: 9/28/2023

CERTIFICATE OF PREPARATION

I hereby certify that the foregoing Deed was prepared by Robert E. Gough, a member in good standing of the Bar of the Court of Appeals of Maryland.


Robert E. Gough

AFTER RECORDING, PLEASE RETURN TO:

Miller, Miller & Canby
200-B Monroe Street
Rockville, MD 20850
Attn: Robert E. Gough, Esq.

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR

Registered to Practice:
Maryland
Virginia
District of Columbia

8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 984-5804
(301) 330-0812
FAX(301) 984-6865
Email: tamps@ymail.com

Description for part of a tract of land called "The Forest", "Difficulty" and "Mount Pleasant", further, being part of the land described in a deed from Seville Development Corporation to J & M Andrews Farm LLC, dated December 22, 2016, and recorded in Book 53529 at Page 178 among the land records of Montgomery County, Maryland, being more particularly described as follows:

Beginning for the same at a stone found at the beginning of the first line description contained in the aforementioned deed, thence with the outlines thereof

N11° 51' 50"W for 1646.41 feet to a rebar and cap set neat the base of an ancient fence post; thence

N81° 28' 17"E for 1093.36 feet to a rebar and cap set on the southerly side of Whites Ferry Road and 15 feet from the center thereof; thence parallel to the center of said Whites Ferry Road and 15 feet south thereof

535.60 feet along the arc of a curve to the left having a radius of 1444.60 feet and a chord bearing and distance of S70° 06' 44"E for 532.54 feet to a rebar and cap set, thence, still along said road

S80° 44' 03"E for 581.22 feet, said point also lying on the southerly side of Whites Ferry Road, thence departing the outlines of said described tract of land and running so as to cross and include a part thereof

S35° 54' 01"E for 160.76 feet; thence

S00° 56' 53"W for 107.75 feet; thence

S18° 55' 47"E for 114.41 feet; thence

S09° 26' 54"E for 215.90 feet; thence

S26° 14' 21"E for 123.61 feet; thence

S00° 24' 35"W for 605.27 feet; thence

N87° 04' 06"W for 50.51 feet; thence

S16° 21' 42"E for 563.95 feet to a Pipe found at the end of the third line of the description in a Deed from Bauer to Howard recorded in Liber 19806 at folio 566; thence with said 3rd, 2nd and part of the 1st lines reversed

S69° 51' 46"W for 594.26 feet; thence

S23° 42' 14"E for 734.44 feet; thence

N69° 51' 46"E for 165.68 feet; thence with the westerly side of the access easement as described in said deed

S20° 08' 14"E for 1306.42 feet to a point on the northly side of Westerly Road; thence with said road

S65° 51' 28"W for 104.14 feet to a rebar and cap set; thence

Along a 1500.00 radius curve to the Right (chord bears S73° 24' 52"W 394.52) 395.67 feet;

395.67 feet the arc of a curve to the right having a radius of 1500.00 feet and a chord bearing and distance of S73° 24' 52"W - 394.52 feet to a rebar and cap set ; thence

S80° 58' 17"W for 561.97 feet to a point; thence

N05° 09' 10"W for 217.88 feet to a concrete monument found; thence

N21° 44' 37"W for 548.52 feet to a concrete monument found concrete; thence

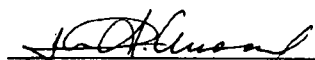
S66° 23' 24"W for 381.78 feet to a concrete monument found; thence

N23° 29' 20"W for 2215.10 feet to the point of beginning containing 208.690 acres of land.

For a net area of 164.771 acres of land.

Surveyor's Certification

I hereby certify that I was in responsible charge over the preparation of this metes and bounds description in compliance with requirements set forth in 09.13.06.09 of the COMAR Regulations.



Expires 04/03/2022



**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence**

2019

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

Transferor Information

Name of Transferor J&M ANDREWS FARM, LLC

- 2. Description of Property** (Street address. If no address is available, include county, district, subdistrict and lot numbers).
Whites Ferry Road, Poolesville, Maryland (Parent Tax Account No.: 03-00033820)

3. Reasons for Exemption**Resident Status**☐

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

☒

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence☐

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

J&M ANDREWS FARM, LLC

Name of Entity

By

Michael D. Rubin

05/26/2020

Name

**Date

Co-Manager

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2019

BOOK: 59949 PAGE: 41

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

Transferor InformationName of Transferor J&M ANDREWS FARM, LLC**2. Description of Property** (Street address. If no address is available, include county, district, subdistrict and lot numbers).Whites Ferry Road, Poolesville, Maryland (Parent Tax Account No.: 03-00033820)**3. Reasons for Exemption****Resident Status**☐

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

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Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

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Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

J&M ANDREWS FARM, LLC

Name of Entity

By H. Jason Harrison05/27/2020

Name

**Date

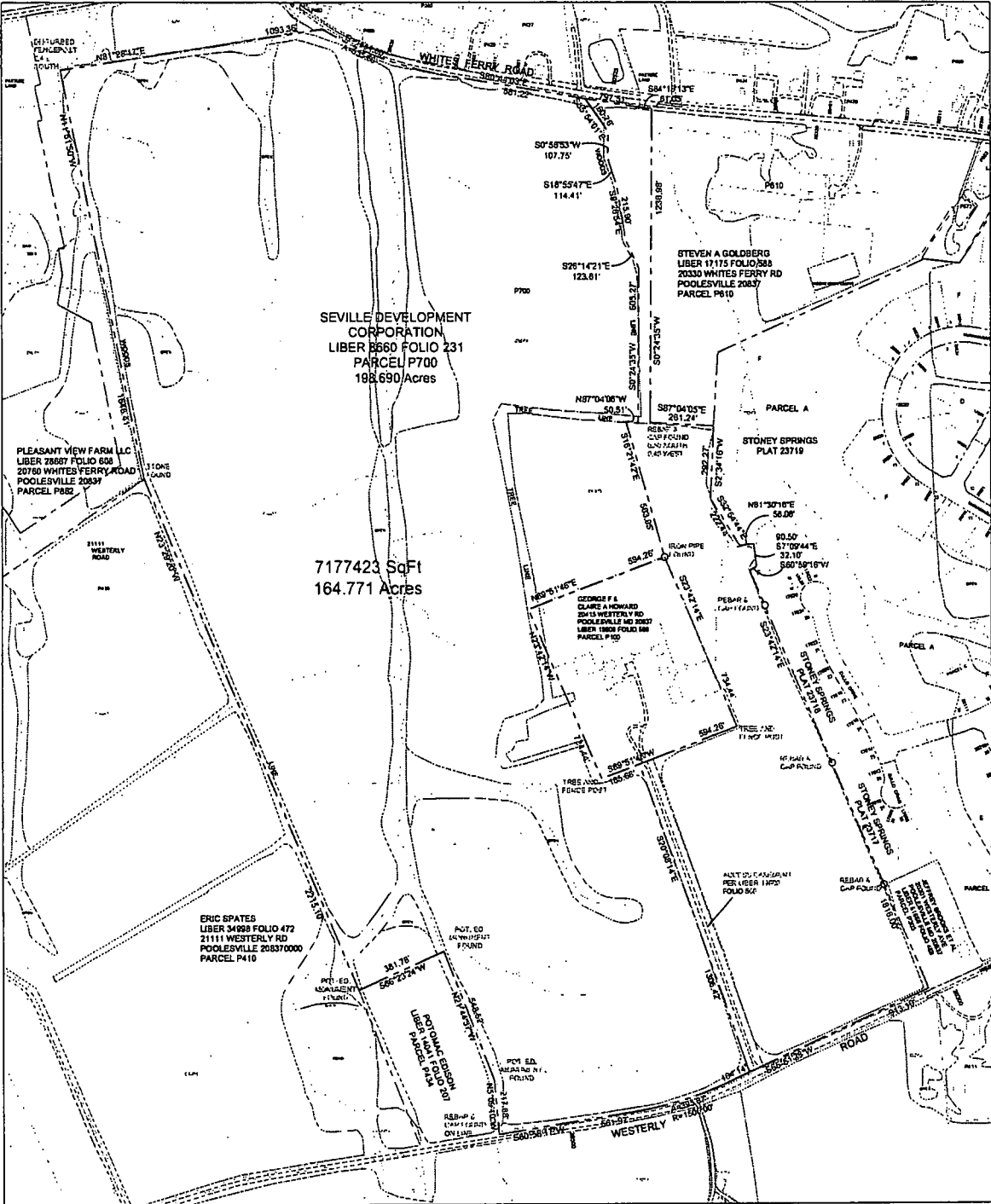
Co-Manager

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

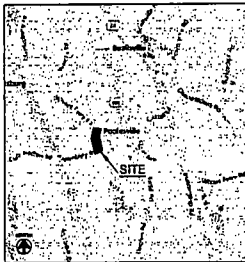


- NOTES:
- 1. ZONING - AR
 - 2. NO TITLE REPORT FURNISHED.

SURVEYOR'S CERTIFICATION
I hereby certify that the survey shown on this document was prepared by me, or under my responsible charge. That it is based on an actual field survey and complies with COMAR 09.13.06.12.


Expires 04/03/2022

VICINITY MAP
SCALE: 1" = 1,000'



BOUNDARY SURVEY LAND OF SEVILLE DEVELOPMENT CORPORATION LIBER 8660 FOLIO 231 PARCEL P700 WESTERLY ROAD / WHITES FERRY ROAD POOLESVILLE, MARYLAND 20837 Election District No. 3 Montgomery County, Maryland	THOMAS A. MADDOX PROFESSIONAL LAND SURVEYOR 8933 SHADY GROVE COURT GAITHERSBURG, MD 20877 301-330-0812 TAMP5@YMAIL.COM	DATE: MAY 2020 SCALE: 1" = 200'	
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BOOK 59949 PAGE: 443

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Montgomery

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

1

Type(s) of Instruments

☐ Check Box if addendum Intake Form is Attached.)

☒ Deed

☒ Deed of Trust

☐ Mortgage

☐ Lease

☐ Other

☐ Other

2

Conveyance Type

Check Box

☐ Improved Sale Arms-Length [1]

☐ Unimproved Sale Arms-Length [2]

☐ Multiple Accounts Arms-Length [3]

☐ Not an Arms-Length Sale [9]

3

Tax Exemptions

(if applicable)

Cite Explain Authority

Recordation

State Transfer

County Transfer

4

Consideration and Tax Calculations

Consideration Amount

Purchase Price/Consideration

\$ 1,425,000.00

Any New Mortgage

\$ 750,000.00

Balance of Existing Mortgage

\$

Other:

\$

Other:

\$

Full Cash Value:

\$

Finance Office Use Only

Transfer and Recordation Tax Consideration

Transfer Tax Consideration

\$

X () % =

\$

Less Exemption Amount

-

\$

Total Transfer Tax

=

\$

Recordation Tax Consideration

\$

X () per \$500 =

\$

TOTAL DUE

\$

5

Fees

Amount of Fees

Doc. 1

Doc. 2

Agent:

Recording Charge

\$ 20.00

\$ 20.00

Surcharge

\$ 40.00

\$ 40.00

State Recordation Tax

\$ 16,937.50

\$

State Transfer Tax

\$ 7,125.00

\$

County Transfer Tax

\$ 14,250.00

\$

Other

\$

\$

Other

\$

\$

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6

Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District

Property Tax ID No. (1)

Grantor Liber/Folio

Map

Parcel No.

Var. LOG

03

P/O 00033820

53529/178

CT12

P700

☐ (5)

Subdivision Name

Lot (3a)

Block (3b)

Sect/AR (3c)

Plat Ref.

SqFt/Acreage (4)

0001

164.771

Location/Address of Property Being Conveyed (2)

Whites Ferry Rd., Poolesville, MD 20837

Other Property Identifiers (if applicable)

Water Meter Account No.

Residential ☐ or Non-Residential ☒ Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7

Transferred From

Doc. 1 – Grantor(s) Name(s)

Doc. 2 – Grantor(s) Name(s)

J&M Andrews Farm, LLC

Eric Charles Spates

Doc. 1 – Owner(s) of Record, if Different from Grantor(s)

Doc. 2 – Owner(s) of Record, if Different from Grantor(s)

8

Transferred To

Doc. 1 – Grantee(s) Name(s)

Doc. 2 – Grantee(s) Name(s)

Eric Charles Spates

John Stump and Stuart Cooper, Trustees for

MidAtlantic Farm Credit, ACA

New Owner's (Grantee) Mailing Address

P.O. Box 562, Poolesville, MD 20837

9

Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)

Doc. 2 – Additional Names to be Indexed (Optional)

10

Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Robert E, Gough, Esq.

Firm Miller, Miller & Canby

Address: 200-B Monroe Street

Rockville, MD 20850

Phone: (301) 762-5212

☒ Return to Contact Person

☐ Hold for Pickup

☒ Return Address Provided

11

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No

Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No

Does transfer include personal property? If yes, identify:

☒ Yes ☐ No

Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only – Do Not Write Below This Line

Terminal Verification

Agricultural Verification

Whole

Part

Tran. Process Verification

Transfer Number

Date Received:

Deed Reference:

Assigned Property No.:

Year

20

20

Geo.

Map

Sub

Block

Land

Zoning

Grid

Plat

Lot

Buildings

Use

Parcel

Section

Occ. Cd.

Total

Town Cd.

Ex. St.

Ex. Cd.

REMARKS:

Space Reserved for County Validation

Distribution: White – Clerk's Office
Pink – Office of Finance

Canary – SDAT
Goldenrod – Preparer

AOC-CC-300 (5/2007)

BOOK: 59949 PAGE: 444

LR - Deed (w Taxes)
Recording only ST20.00
Name: SPATES
Ref:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 7,125.00
LR - NR Tax - 1kd 0.00
=====

SubTotal:	7,185.00
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=====

Total:	7,245.00
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06/30/2020 03:51
CC15-CA
#13616963 CC0602 -
Montgomery
County/CC06.02.05 -
Register 05



DOCUMENT VALIDATION PAGE
FOR CLERK'S USE ONLY
(EXCLUDED FROM PAGE COUNT FOR CERTIFIED COPY)

BARBARA H. MEIKLEJOHN
Clerk of the Circuit Court for Montgomery County
50 Maryland Avenue
Rockville, Maryland 20850
Recording and Licensing
(240) 777-9470

**RUSTIC ROADS ADVISORY COMMITTEE**

June 3, 2021

David W. McKee
Benning and Associates, Inc.
Land Planning Consultants
8933 Shady Grove Road
Gaithersburg, MD 20877

Re: J & M Andrews Farm, Westerly Road (rustic)
Administrative Subdivision 620190110

Dear Mr. McKee:

The Committee has reviewed the revised plan for this subdivision and driveway at a special meeting held today. The revised plan calls for only one driveway with access to Westerly Road rather than two driveways. That driveway (Lot 1) will be 10 feet wide with a 24-foot wide apron. The Committee appreciates the fact that the driveway was relocated slightly away from an existing driveway, consistent with our recommendation.

The Committee voted unanimously to approve this administrative subdivision plan as revised. Thank you for submitting this project to our committee for review. If you have any questions, you may reach our committee through our staff coordinator, Darcy Buckley, at Darcy.Buckley@montgomerycountymd.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Van Etten".

Laura Van Etten, Chair

Committee Members: Robert J. Tworkowski, Dan Seamans, Robert Wilbur, Lonnie Luther, Kamran Sadeghi, N. Anne Davies

cc: Patricia Bye Smith, PBS Inc.
Jonathan Casey, M-NCPPC
Josh Penn, M-NCPPC



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdieh
Director

October 4, 2021

Mr. Jonathan Casey, Senior Planner
MidCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Dr.
Wheaton, MD 20902

RE: Administrative Subdivision Plan No. 620190110
J & M Andrews Farm

Dear Mr. Penn:

We have completed our review of the Administrative subdivision Plan with a date of June 22, 2021 on e-plans. This plan was reviewed by the Development Review Committee at its meeting on May 11, 2021. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Significant Plan Review Comment

1. Sight Distance:

- a. Westerly Road: Based on the sight distance uploaded to eplans dated June 24, 2019, we **have not** approved the sight distance and have the following comments:
 - i. Clarify if the utility pole in the vicinity of Lot 1 is blocking the line of sight distance. If the line of sight is limited by the existing utility pole, the applicant shall be responsible to relocate the existing utility pole to achieve the minimum required sight distance to address safety concerns.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

- ii. Prior to DPS approval of the record plat, the applicant will need to submit an updated Sight Distances Evaluation certification form, for the existing and proposed driveway(s) on Westerly Road, which indicates tree trimming/ relocation of utility pole has been completed to achieve a minimum of 150-feet of sight distance in each direction.

2. Storm Drain Analysis: **INCOMPLETE.**

- a. At permit stage, submit a storm drain study to DPS for review and approval, if any portion of the subject site drains to the Montgomery County public storm drain system. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis. The DPS may require improvements to the existing public storm drain system based on the review of the storm drain report.

Note: ESD cannot be used to determine the runoff coefficient for storm drain analysis.

- b. We defer to MDSHA for storm drain study along Whites Ferry Road (MD-107).
3. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
4. We defer to MDSHA for any improvements along Whites Ferry Road (MD-107).
5. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- a. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - b. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this Administrative Subdivision plan. If you have any questions or comments regarding this letter, please contact myself for this project at brenda.pardo@montgomerycountymd.gov or (240) 777-7170.

Mr. Jonathan Casey
Administrative Subdivision Plan No. 620190110
October 4, 2021
Page 3

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office of Transportation Policy

SharePoint\Transportation\Director's Office\Development Review\Brenda\Administrative Subdivision\AS620190110 J&M Andrews Farm\Letter\ 620190110-J&M Andrews Farm-MCDOT Subdivision Letter_10.04.21

cc: Correspondence folder FY 2022

cc-e:	David Mckee	Benning & Associates, Inc.
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO
	Rebecca Torma	MCDOT OTP



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 20-Jul-21
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: J&M Andrews Farm
620190110

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **06-Jul-21** .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.

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240
dmckee@benninglandplan.com

June 11, 2021

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902

Re: J&M Andrews Farm - MNCPPC #620190110

Dear Ms. LaBaw,

We are hereby submitting the Fire Department Apparatus Access & Water Supply Plan for the subject application for review and approval. This application was last reviewed by the Development Review Committee on May 11 of this year. You approved an earlier version of this plan in July of 2019 (copy of approval letter attached). The plan was for 3 lots at that time. However, the area which contained 2 of the lots was subsequently sold to a local farmer and only 1 lot is being proposed at this time.

The new lot will be along Westerly Road which has a pavement width of 20 feet. Fire hydrants for fire protection are available nearby within the Town of Poolesville as noted on the plan.

Please let us know if anything more is needed at this time for approval of this project.

Sincerely,



David W. McKee



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

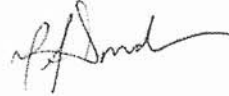
Isiah Leggett
County Executive

Richard R. Bowers
Fire Chief

MEMORANDUM

May 13, 2010

TO: Dave McKee, Benning & Associates, Inc

FROM: Assistant Chief Mike Donahue, Acting Fire Marshal 

SUBJECT: Request for exception from providing a professional engineer's seal on development plan submittals

I am in receipt of your March 31, 2010 memorandum requesting an exception from providing a professional engineer's seal on development plan submittals. Given the parameters set forth in the memorandum, I find your request acceptable. Benning & Associates, Inc may submit development plans with a landscape architect's certification instead of a professional engineer's seal in all cases that do not require an engineered solution.

Office of the Fire Marshal

101 Monroe Street, 12th Floor, Rockville, Maryland, 20850-2589 240/777-2470, FAX 240/777-2465

Serving with dedication, courage and compassion

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
E-mail: benninglandplan@aol.com

To: Assistant Chief Mike Donahue – Engineering Section, Office of the Fire Marshal /
Montgomery County Fire & Rescue Service

From: David McKee

Date: March 31, 2010

Re: Exception from Engineer's Seal

Dear Chief Donahue,

I am contacting you regarding our recent discussions about the requirement to provide an engineer's seal on plans prepared by this office. Our office has been preparing plans which address fire department access and water supply for several years since your office began participating in Development Review Committee meetings and commenting on subdivision plans. The professionals in our office include land planners and landscape architects with recognized expertise in all site planning and land planning matters. It is our request that an engineer's seal not be required at the planning stage for our projects unless specifically warranted for certain engineering matters.

You are aware that many of our subdivision projects involve the use of shared driveways which are located in rural areas of the County and are of low overall lot density. The information provided on our Preliminary Plans and Fire Department Access Plans for these and other projects is related to the planimetrics of where a driveway is to be located, where the turn-around is to be located, how wide the driveway will be, turning radii, etc. At the project planning stage, these are not matters which require any special certification.

In addition, our plans show the location of nearest water supply and/or a proposed location for new water supply (i.e. new fire hydrant or location for cistern). If a new hydrant is needed, WSSC plans will be required later (after subdivision approval) and these plans and any associated calculations are done by a subcontracted civil engineer at the appropriate time. Our plans (Preliminary Plan, Fire Department Access Plan) do not offer information such as hydraulic calculations - just the planimetrics of where a hydrant or cistern is needed based upon the location of the nearest water supply.

When preparing plans for review by your office, it is not our intention to request any waivers or exceptions from load bearing requirements or from water supply standards. Furthermore,

it is our expectation that load bearing requirements must be met and that a geotechnical analysis is needed prior to construction of any Fire Department access lane. We suggest that a note added to plans prepared by our office will indicate the following:

The paved all-weather Fire Department access lane shown on this plan is to be constructed to meet load-bearing requirements for Fire Department apparatus. The new paved driveway must be constructed to meet MCDOT tertiary road standards (MC 210.01) unless an alternative design is provided which meets Fire Department requirements. For any alternative design, an engineer's certification that load bearing standards are met must be provided prior to issuance of the Use & Occupancy permit.

I hope you find the information in this letter informative and helpful. The purpose of this letter is to establish an understanding between our offices which will help facilitate the review and approval of plans prepared by this office. If anything further is needed in the regard, please feel free to contact me at your earliest convenience.

Sincerely,



David W. McKee,
State of Maryland Licensed Landscape Architect

LEGEND:

- Property Line
Proposed House
Sand Mound
Septic System
Water House
Connection
(from well)
Ex. Contour
Proposed Contour
Building Restriction Line
Limit of Disturbance
Micro-Bioretenion
Ex. Canopy
Ex. Building
Ex. Road
Area of Dedication
Septic Tank
Wells
Environmental Buffer
(from NRI/FSD)
New U/G Electric Service
Proposed Conservation
Easement Line
100-Year Floodplain
25' Floodplain BRL

NOTES:

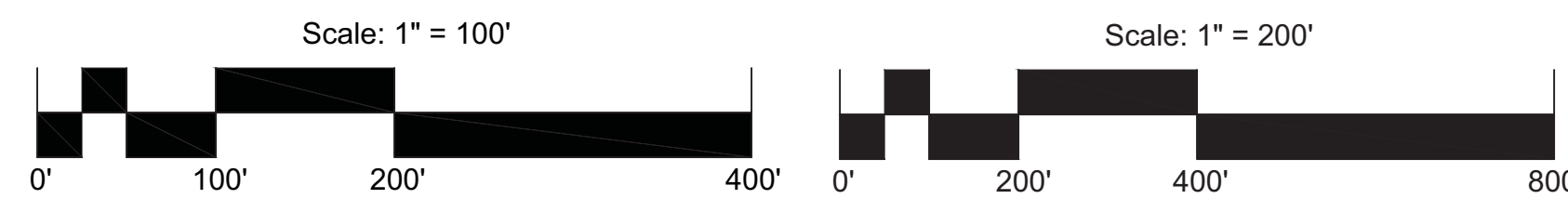
1. AREA OF PROPERTY - 33.92 AC
2. EXISTING ZONING - AR
3. NUMBER OF LOTS PERMITTED - 1
4. NUMBER OF LOTS SHOWN - 1
5. AREA TO BE DEDICATED TO STREETS - 0.37 AC
6. SITE TO BE SERVED BY PRIVATE ON-SITE SAND MOUND SEPTIC SYSTEMS & PRIVATE ON-SITE WELL.
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
8. LOCATED IN BROAD RUN WATERSHED.
9. SOURCE OF 2-FOOT CONTOUR INTERVAL TOPOGRAPHY IS M-NCPPC SHEET 224NW20.
10. PROPERTY BOUNDARY FROM A SURVEY CONDUCTED BY THOMAS A. MADDOX, PROFESSIONAL LAND SURVEYOR.

FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

1. The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
2. Proposed Lot 1 is accessed by way of Westery Road which has a paved width of 20 feet or more as noted on the plan.
3. There are no shared driveways proposed for this project.
4. Public water supply (fire hydrants) are located less than 1 mile from the proposed homesite as noted on the plan. The available water supply is located within the limits of the Town of Poolesville.

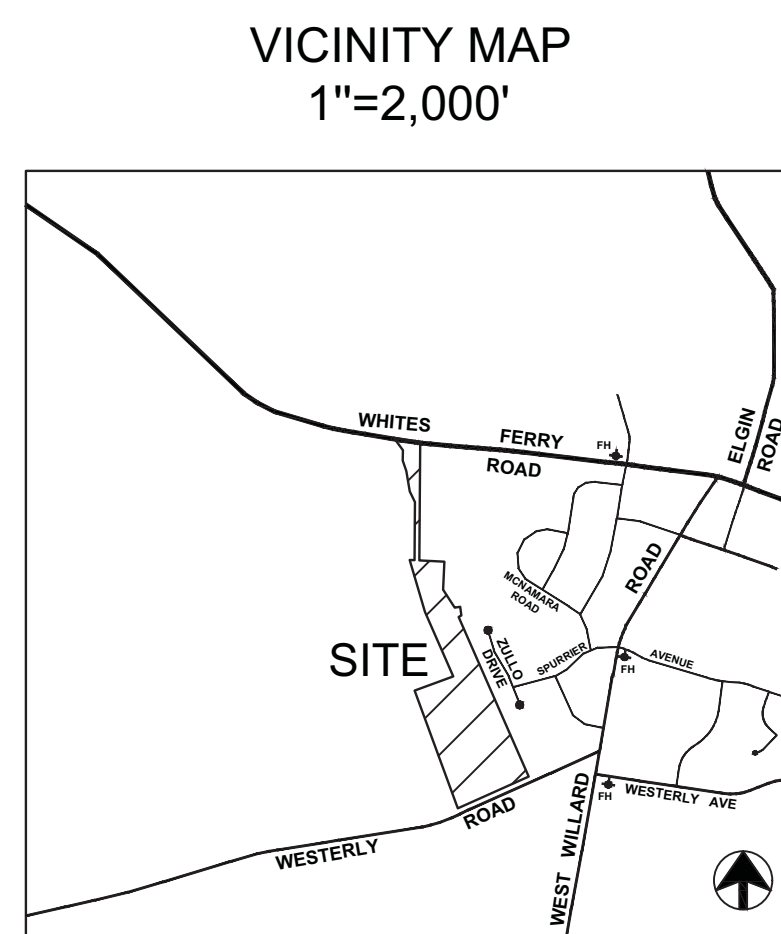
Professional Certification:
I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) to the best of my knowledge and belief.

Signature
Date



FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: SMC PM 43 DATE: 7/20/2021

PREPARED FOR:
J & M Andrews Farm, LLC.
c/o PATRICIA B. SMITH
6310 FRIENDSHIP COURT
BETHESDA, MD 20817
301-530-9152

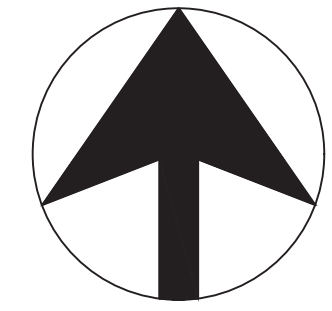


FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN
J & M Andrews Farm
Parcel 700, Tax Map CT122
Montgomery County, Maryland

WSSC GRID 224NW20
TAX MAP CT122
M-NCPPC FILE NO.
620190110
SHEET 1 OF 1

Revisions

Rev. 06-09-2021



date: 11/24/2020
scale: 1" = 200'

Beming & Associates, Inc.
Land Planning & Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240

