

Item 4 - Correspondence

From: [Jerry Siroff](#)
To: [MCP-Chair](#)
Cc: councilmember.navarro@montgomerycountymd.gov; councilmember.riemer@montgomerycountymd.gov; jayrossmere@gmail.com
Subject: CU202007 Metro Grounds Landscape Contractor
Date: Tuesday, October 20, 2020 1:11:37 PM

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RE: Metro Grounds
Plan #CU202007
Olney Master Plan

Dear Mr. Anderson

We are writing to express our sincere opposition to any granting of a conditional use exception for Metro Grounds Management LLC at 3731 Damascus Road, Brookeville MD. Allowing Metro Grounds to proceed with their plans to establish their business on said property provides zero benefits to the community; but does supply numerous negatives such as air pollution, noise pollution, light pollution, traffic congestion and destroying the rural aesthetic of the property.

There is a reason this project cannot proceed without an exception to the current zoning regulations. That reason is well documented in the list of negatives above. This community was never envisioned to be home to such a large commercial operation located directly on its main thoroughfare. In fact the community already has a large landscaping contractor (Greenskeeper Landscaping) located about a quarter mile away from the proposed site. The main difference in the two sites is that Greenskeeper is located a good distance off Damascus Road and totally out of view.

There's also a question of just how you're treating Metro Grounds Management. It's referred to in your conditional use paper as a landscape contractor, which brings up a picture of a small company with a few pick-up trucks that mows lawns and tends to the maintenance of properties. That could not be further from the truth. Metro Grounds is a very large commercial entity that, if anything, is an industrial undertaking that belongs anywhere but in a bucolic rural setting. It appears that the board, in their recommended approval of the exception is applying the guidelines by the letter of the regulations, but not at all in the spirit by which they were written.

Another real problem is the number of vehicles at the facility that will add greatly to traffic, noise pollution, and air pollution. We are having difficulty with the numbers in the traffic study. For example, how can there be only 38 personal vehicles in the study when there are 76 employees at the site, which is not accessible by public transportation? Also, how can there be only 2 vehicles in and 3 vehicles out during peak hours when there are 76 employees and 30 trucks?

Finally, we would like to propose a question to the panel to which we would very much appreciate a response. Waredaca Farm, which is located directly across Howard Chapel Road from the site in question, received over \$1.3 million in a deed of agricultural preservation easement from Montgomery County back in 2009. In other words, Waredaca received this money in an agreement with the county to maintain the green open space of their property. For this, the community was very grateful to see Montgomery County investing in the security of our rural environment. Now, the Montgomery County Planning Board is suggesting that Metro Grounds Management be permitted to construct what amounts to a mini industrial park directly across the street from Waredaca.

We would like the board to explain to the community their rationale in deeming one side of the street so very important to be preserved as a green space, while subsequently the other side of the street is fine for commercial, industrial development?

Thank you,

Jerome & Abby Siroff
23000 Howard Chapel Road
Brookeville, MD 20833



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From: [jeffrey o"toole](mailto:jeffrey.o.toole)
To: [MCP-Chair; councilmember.navarro@montgomerycountymd.gov;](mailto:MCP-Chair; councilmember.navarro@montgomerycountymd.gov)
councilmember.riemer@montgomerycountymd.gov
Subject: Plan #CU202007
Date: Tuesday, October 20, 2020 4:53:08 PM

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To: Chair of the Montgomery County Planning Board
Fr: Jeffrey and Joy O'Toole, 22818 Howard Chapel Rd., Brookeville, MD 20833
Re: Plan Number: CU202007
Dt: Hearing October 22, 2020

We write to express our strong opposition to the conditional use application in the matter referenced above. The drafters of the Olney Master Plan provided for all county residents a rural setting to be set aside to live in or visit for the benefit of all Montgomery County residents. The foresightedness of those drafters must be appreciated and congratulated. So far, the master plan has been honored and the reserve has been here for all to enjoy. Until now.

Now, with this application for a conditional use and the staff's recommendation for approval, the nature of the immediate and not so immediate area is in jeopardy and would be forever diminished. The Staff has concluded that all the requirements in the master plan have been met or exceeded to approve this application. We respectfully but strongly disagree.

For instance, it is concluded that the five LED lights upon the 16-foot-high poles will not adversely affect those in the surrounding area. Those five lights on the poles, presumably to be lit all night for security and to provide light for the television cameras around the 7 acres to be developed, will create nothing short of nighttime light pollution forever stealing the dark nights from the entire surrounding area. One of the things most cherished in this area, to residents and all visitors alike, is that it is available to enjoy the splendor of the dark, starlit nights throughout the reserve area. Such an intrusion by the proposed 16-foot-high light poles would have a much lesser effect down county where the sky already is obscured by other such lights and existing developments.

Not only is the glory of a dark night an attraction here, but the quiet that exists and the pure air, free from man-made machine air pollutants, is a draw to all county residents as well as the immediate resident community. People from all over the county, as well as those who live here, enjoy the purity of the air and the quiet that surrounds this long-protected reserve. To conclude, as the staff has, that the nighttime lighting, the noise and air pollution from the dozens of diesel engines will not have a negative effect on the immediate resident community as well as the county residents who visit for their pleasure and sanity, is simply to ignore the reality, and to the benefit *only* of Metro Grounds.

On almost every day during at least 9 months of the year, this area, this agricultural reserve, sees hundreds of bicyclists who ride here in large groups and individually to enjoy the fresh air and calm of the entire area. To now have riders share these rural roads with the 70+ employees of Metro Grounds who make up the teams in dozens of trucks and large equipment drivers will forever take from this area one of its quality draws. It simply cannot be said that this proposed use of this rural agricultural piece of land will not negatively affect this

area and its many uses.

To drive these roads is to experience its beauty. This proposed 7 acre **industrial complex** in the middle of the subject 30 acre farm will forever and negatively affect this entire area now enjoyed by those who live here and by the county members who travel here to hike and fish and bike ride, all contrary to the vision of the drafters of the Master Plan, and to the sole benefit of one commercial, not agricultural, entity. If the Board hasn't visited other equipment locations operated by Metro Grounds, we urge you to do so. While we understand the Staff has found the applicant to be very professional, we have observed that, in reality, it keeps its places a mess.

We strongly urge the Board to find that this project is, in fact, not in keeping with the Olney Master Plan, is a dramatic deviation from the foresight of the planners, and is the wrong project for this beautiful area which is now cherished by all, as planned long ago.

In conclusion, we ask the Board to find that the balance of equities in this is way off kilter. The applicant is the only beneficiary of this dramatic change in the agricultural reserve set aside, while thousands of Montgomery County residents and users would be the losers. Is this huge concession which will benefit only one proper when so many will lose? We urge you to find **not** and to deny this application.

Thank you, Jeffrey and Joy O'Toole

From: [Jennifer Lund](#)
To: [MCP-Chair](#); [Nancy Navarro](#); [Hans Riemer](#)
Subject: Comments Re: CU 2020-07
Date: Tuesday, October 20, 2020 7:43:43 PM
Attachments: [LundRoss Comments CU2020-07.pdf](#)

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Please see the attached letter detailing our strong objections to CU 2020-07.

To: Montgomery County Planning Department, M-NCPPC

From: Jennifer Lund & Daniel Ross, 22822 Howard Chapel Rd, Brookeville, MD 20833

Re: Conditional Use No. 2020-07, Landscape Contractor (Metro Grounds)

Date: 22 October 2020

We strongly object to the plans proposed under Conditional Use No. 2020-07 and urge the Planning Board to reject this application. The proposed use is NOT consistent with the uses permitted under the current zoning code in the Agricultural Reserve, is not consistent with the recommendations of the Olney Master Plan for this region, is not consistent with the character of the existing neighborhood, and would create a number of potential noise, light, traffic, environmental, and safety hazards. This proposed project has substantial impact on the surrounding neighborhood and, contrary to the conclusions of the Staff Report prepared on 09 October 2020, does not meet the necessary findings for approval. Below please find our specific objections and evidence.

1. Inconsistency with AR zoning and Olney Master Plan

The Staff Report prepared on 09 October 2020 states (p. 1): “The proposed use is consistent with the 2005 *Olney Master Plan*.”

We strongly disagree.

Sunshine and Unity Area

The boundaries of the villages of Sunshine and Unity are not well defined and houses are not concentrated in one location. Both villages are on the north side of Damascus Road, with Sunshine centered on Georgia Avenue and Unity to the west, extending up to Howard Chapel Road. Sunshine today is a small commercial area at the intersection of Georgia Avenue and Damascus Road, with a post office, a church, a general store, a pet/farm animal supply store, an engine parts store, and a couple of vacant storefronts. This is the only commercially zoned pocket north of the Town of Brookeville. It should be retained but no expansion of commercial zoning should be permitted.

Olney Master Plan, Approved and Adopted April 2005, p. 19

Recommendations:

Maintain the character and existing scale of development in the rural communities in Northern Olney. Prohibit additional zoning for commercial uses, or expansion of commercially zoned areas in these communities.

Olney Master Plan, Approved and Adopted April 2005, p. 20 (emphasis added)

The proposed use clearly represents a **commercial** use, not an agricultural one. Section 3.1.6 of Chapter 59 (Use Table) defines Landscape Contractor as a conditional use in the Agricultural Reserve under the heading “**Commercial**”, not under the heading “Agricultural.” Although the conditional use does not require a change to zoning, *technically* conforming to the Master Plan Recommendations, the spirit of

these recommendations is clearly that additional commercial uses are not desirable within our rural communities. Their rural character is to be preserved for the enjoyment of all in the county.

As further evidence that the proposed use is industrial in nature, as outlined in Section E (Proposed Use) of the Staff Report (p. 7), the primary building is a 10,000 sq. ft. “field operations storage barn” which will have a maintenance shop, supply/storage, and salt storage. The primary operations of this commercial business, 1) maintenance of a fleet of 64 commercial vehicles (trucks, trailers, large loaders, skid steers – p. 10), 2) servicing commercial businesses and state/local governments **outside** our immediate neighborhood in the Agricultural Reserve, and 3) storage of salt for snow removal are emphatically **not** agricultural uses. The remaining proposed buildings (storage sheds and an additional 5,000 sq. ft. of “storage and operations”) are also non-agricultural buildings. They do not house animals, plants, or equipment used for agriculture.

Further, the only parts of the plan which could possibly be construed as agricultural uses (agricultural plantings and four greenhouses comprising a total area of 1,440 sq. ft.) are only “proposed, as business needs are determined,” in Phase 3 of the plan. It is clear that this afterthought is a palliative made to make this proposal seem to conform to agricultural use. The remaining non-forested area outside of the conditional use which would be used for “uses permitted in the AR zone... includ(ing) continuing the existing planting fields for growing lawn turf and nursery plants” (Staff Report, p. 9), is claimed to be 11 acres (Staff Report, p. 21) but the actual usable, farmable area is significantly less than that given the presence of driveways, signs, SWG and access road, woodland strips, existing trees, berm, screening trees, etc. Furthermore, the plan makes absolutely no guarantee that the remaining land will be utilized for agriculture; only the potential that it might happen at some vague future time. The priorities of this business are clearly not agricultural in nature.

Yet, the Staff Report, in the very sentence following quoted recommendation that no further expansion of commercial areas be permitted, says that the conditional use (a commercial venture) “substantially conforms with the general recommendations of the Master Plan” (Staff Report, p. 15). We fail to understand how this conclusion could be drawn.

2. Noise, light, environmental, and safety hazards

The plan would have trucks and heavy equipment moving starting at 5:30 a.m. This is a residential neighborhood and there are horses pastured in the field directly adjacent to the subject property. This level of noise is not acceptable to the neighbors, and the presence of the “narrow woodlands strip” screening the operations will not sufficiently abate the sounds and odors of trucks and heavy machinery.

Despite the contention of the Staff Report that “the lighting will not have a negative impact on neighboring properties,” the presence of all-night pole-mounted fixtures at 16-feet above grade will certainly have a negative impact on the rural character of the neighborhood, expressly desired to be preserved by the Master Plan.

The children of this neighborhood have one park to play in – Unity Park, directly across the street from the proposed driveway. The truck and equipment traffic in and out of this driveway pose an unnecessary and unacceptable risk to our children.

Montgomery County school buses pick up numerous children along Damascus Rd. For much of the school year, the children are waiting in the dark, along Damascus Rd., at the same times (5:40 a.m. – 7:40 a.m.) which would also have the maximum traffic of the heavy trucks along Damascus Rd. into and out of the proposed commercial establishment. Furthermore, Montgomery County school buses utilize the circle in Unity Park to turn around, leading to potential accidents between trucks and school buses.

The intersection of Howard Chapel Rd. and Damascus Rd. is already a low-visibility intersection with numerous accidents occurring. The addition of the additional 76 vehicles entering and exiting the driveway in close proximity to this intersection will increase traffic hazards at this intersection. Furthermore, as does much of the traffic in the area, the employees of the establishment are likely to use Howard Chapel Rd. as a bypass of the backups at the traffic light at Georgia Ave. and Damascus Rd. Howard Chapel Rd., a designated Rustic Road, already carries an unacceptable amount of traffic which travels well above the speed limit in an effort to avoid this intersection. Although the traffic study in the Staff Report contends that the signal delays can be mitigated with timing adjustments, this will not stop the commercial traffic from using Howard Chapel Rd. as a bypass.

The area between Rachel Carson Park and the Patuxent River State Park is heavily utilized by cyclists and walkers, so much so that it has been proposed for a potential future trail connection. These cyclists and walkers are at increased risk for accidents along Damascus Rd. and on Howard Chapel Rd. from these commercial vehicles.

Although the proposed plan meets the requirement of having less than 10% impervious surface (9.99%, Staff Report p. 20), there is no mention made in the Staff Report of the potential environmental impacts on the pond and stream on the property (which drain to the Patuxent River) of the contractor's use of herbicides, pesticides, fuel storage, salt storage, and other hazardous substances used in the maintenance and repair of trucks and heavy equipment. No conditions are laid out on p. 2 of the Staff Report regarding storage and handling of hazardous materials.

3. Inconsistency with character of Agricultural Reserve

The proposed use does not contribute to the preservation of agriculture in Montgomery County. Section 4.2.1.A of the Montgomery County Zoning Code clearly states:

1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation...
2. Agriculture is the preferred use in the AR zone...

Chapter 59: Zoning Code, Montgomery County, Maryland, p. 4–12

The 2005 Olney Master Plan land use plan includes, as its second most important goal:

2. Protect the Patuxent watershed including the drinking water reservoir, and agricultural and rural open space.

Olney Master Plan, Approved and Adopted April 2005, p. 15

This commercial business does not engage in agricultural pursuits:

Agriculture: The business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or sell-ing livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product.

Chapter 59: Zoning Code, Montgomery County, Maryland, p. 1-5

The creation and preservation of agriculture in Montgomery County is a goal which benefits not just the residents of this immediate neighborhood, but all of us in the county.

4. Conclusion

This is a commercial venture, not an agricultural one, and it belongs in an area that is already properly zoned for commercial use, heavy equipment, light, traffic, and noise, such as the industrial parks in Gaithersburg and Rockville. This use is inconsistent with the spirit and intent of the Agricultural Reserve, with the Olney Master Plan, and with the existing character of the neighborhood. The proposed use brings noise, light, and environmental pollution and safety hazards that are unacceptable to the inhabitants of this neighborhood. The **only** beneficiary of this proposal is Metro Grounds Landscaping; everyone else in the neighborhood and in the county loses another beautiful parcel of farmland.

We ask that you uphold your duty to adhere to the spirit as well as the letter of the zoning ordinance and the Olney Master Plan and deny this conditional application for an industrial venture within the Agricultural Reserve. Please stop the further erosion and destruction of farmland in Montgomery County.

Sincerely,

