

From: lveamazon@aol.com
To: Penn_Joshua@montgomerycountymd.gov
Cc: darcy.buckley@montgomerycountymd.gov
Subject: CU202207 - 12120 Prices Distillery Road - Chapingo
Date: Wednesday, May 4, 2022 12:01:58 PM
Attachments: [BACKGROUND ON CU202207 Chapingo.docx](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Josh, we at RRAC have just realized that we might miss an opportunity to provide comments to you on this CU application. We deferred our vote to draft a letter since the applicant had not provided all the information to us that they said they would.

Therefore I have prepared my own summary of RRAC's history with the applicant and a listing of concerns raised by committee members and by other meeting attendees.

I have some photos and drawings to send separately as they are compressed files and might be too large for this email. Here I have included just one photo I took recently.

Thank you,

Laura Van Etten
Chair, RRAC

RRAC Background Summary RE: CU202207 - 12120 Prices Distillery Road (Chapingo)

Chapingo LLC is located at 12120 Prices Distillery Road, a rustic road, and one property away from Burnt Hill Road, also a rustic road. All rustic and exceptional rustic roads are protected under the Rustic Roads Program. These roads are historic and scenic roadways that reflect the agricultural character and rural origins of the county. They are narrow, low-volume roads that rarely meet engineering standards.

The property is a deeded parcel created in 2015 from another deeded parcel created in 2010. The property does not have a TDR attached to it and has not passed water table or percolation testing, so it isn't apparent how this property can be platted or used for a commercial operation.

The Rustic Roads Advisory Committee (RRAC) has considered issues related to this operation four times. The committee first heard complaints from neighbors on June 12, 2017 regarding their previous location, 22930 Old Hundred Road (rustic). RRAC discussed this at a June 27, 2017 meeting. The complaints included the use of bright lights, equipment storage, stockpiling materials, dumping of large tree debris, flooding neighboring properties, multiple employees living in the residence, and on-site tree removal. Chapingo was conducting these activities at this site from 2013-2019. Complaints to DPS were closed because the owner stated he was applying for a Conditional Use application, but no application was made.

Chapingo came before RRAC at the current location on March 25, 2021, referred by Planning as intending to apply for a CU. Surrounding and abutting property owners attended the RRAC meeting and raised several concerns regarding tree debris dumped on the property. The committee asked for additional information to be provided when the application was prepared.

Chapingo came before the committee again on January 22, 2022 and April 27, 2022. Additional but still incomplete information was provided. Without the requested information, the committee has been unable to complete our review or take a vote on this application.

This is intended to provide a summary of the committee's history regarding this CU in lieu of a formal letter.

- Chapingo dumped wood debris at the Prices Distillery location prior to coming before RRAC in January 2022 and only cleaned it up when the Committee complained; the views are protected Significant Features on this road which must be preserved under County Code. The debris was located within the protected view, and was unsightly and illegal.
- Chapingo is traveling with loaded trucks over the weight limit on the Burnt Hill Road (rustic) bridge, per neighbors' reports. This bridge is a Significant Feature of Burnt Hill Road that must be preserved. The applicant has declined the committee's suggestion that they not use Burnt Hill Road with their trucks because some exceed the weight limit.
- Chapingo advised the Committee that DPS has approved their use of a modern pole building on the property that was constructed as an agricultural building (without building permits and within a Category 1 conservation easement). Following the April 2022 meeting, the applicant's attorney shared an Alteration Building Permit letter with a DPS signature stating that they could submit an application for a modification of structure(s). The Committee and the neighbors have asked about this at least twice but still do not have a satisfactory understanding of how a building on an unplatte AR-zoned parcel without a TDR or a well and septic can be permitted for a commercial use.

- The second building covered by the Alteration Building Permit letter is an historic 1800s bank barn (M; 10-36) that Chapingo has assured the committee would not be used for the landscape CU. And yet they have included it in the Alteration Building Permit letter which the committee only received after our meeting.
- Chapingo has a porta-potty on the property now (see photo) while stating in the application there is no need for restrooms; there is no well or septic on the property. Based on past testing, it is not anticipated that the property would pass septic tests.
- Chapingo has two fuel supply tanks on the property just uphill from a stream and wetland. Concern was raised about this by an attendee at the January and April meetings, Caroline Taylor, Executive Director of Montgomery Countryside Alliance. Montgomery County requires a permit for fuel tanks, including the ones for this commercial operation, according to information on the County's website and from County staff. The committee was told by the applicant that no permit is needed, but no documentation has been provided by the applicant. In addition, there has been no environmental inspection of the tanks (the only inspection was for worker safety). As Ms. Taylor pointed out, all area residents are on wells, downstream farms have livestock, and the stream, which is a Use Class III-P stream, flows into Little Bennett Regional Park where the public can come in contact with this water. The committee asked to see permits twice but none have been provided.
- Chapingo inappropriately widened the existing 12' gravel driveway and paved it with millings sometime between our January and April meetings. In the Chapingo application on P.3 it states that the existing gravel driveway is sufficient for Chapingo's needs. Their attorney claimed that the widening was required by DPS for FRS access. Darcy Buckley, MCDOT Staff Coordinator for RRAC confirmed with Marie LaBaw of FRS that DPS had not required driveway widening, but instead Chapingo presented to DPS a drawing of the wider paved driveway as "Existing." In fact, the driveway has been widened to 31' in one location, 20-27' overall, there is a utility pole in the middle of the driveway, and the driveway apron has been widened to 65' where it meets the rustic road. The applicant states that the driveway is 1,000 feet long, so this unnecessary and unwarranted expansion may have triggered requirements for stormwater management permits. No such permit appears in DPS's records.

Chapingo has failed to respond fully to our multiple requests for information. Chapingo has failed to provide all the documents required for their application. And RRAC has been provided with misleading information during our meetings.

There is no way to access this property without using rustic roads. We anticipate trucks (and employee cars) for this commercial operation using Prices Distillery Road (rustic), Burnt Hill Road (rustic) (since they have refused our request to avoid taking trucks on this road), Mountain View Road (rustic, and part of a significant historic Black community), Purdum Road (exceptional rustic), Kingstead Road (rustic), Kingsley Road (exceptional rustic), Kings Valley Road (nominee exceptional rustic) and Lewisdale Road (nominee rustic). The committee has unanswered questions and multiple concerns about this application.



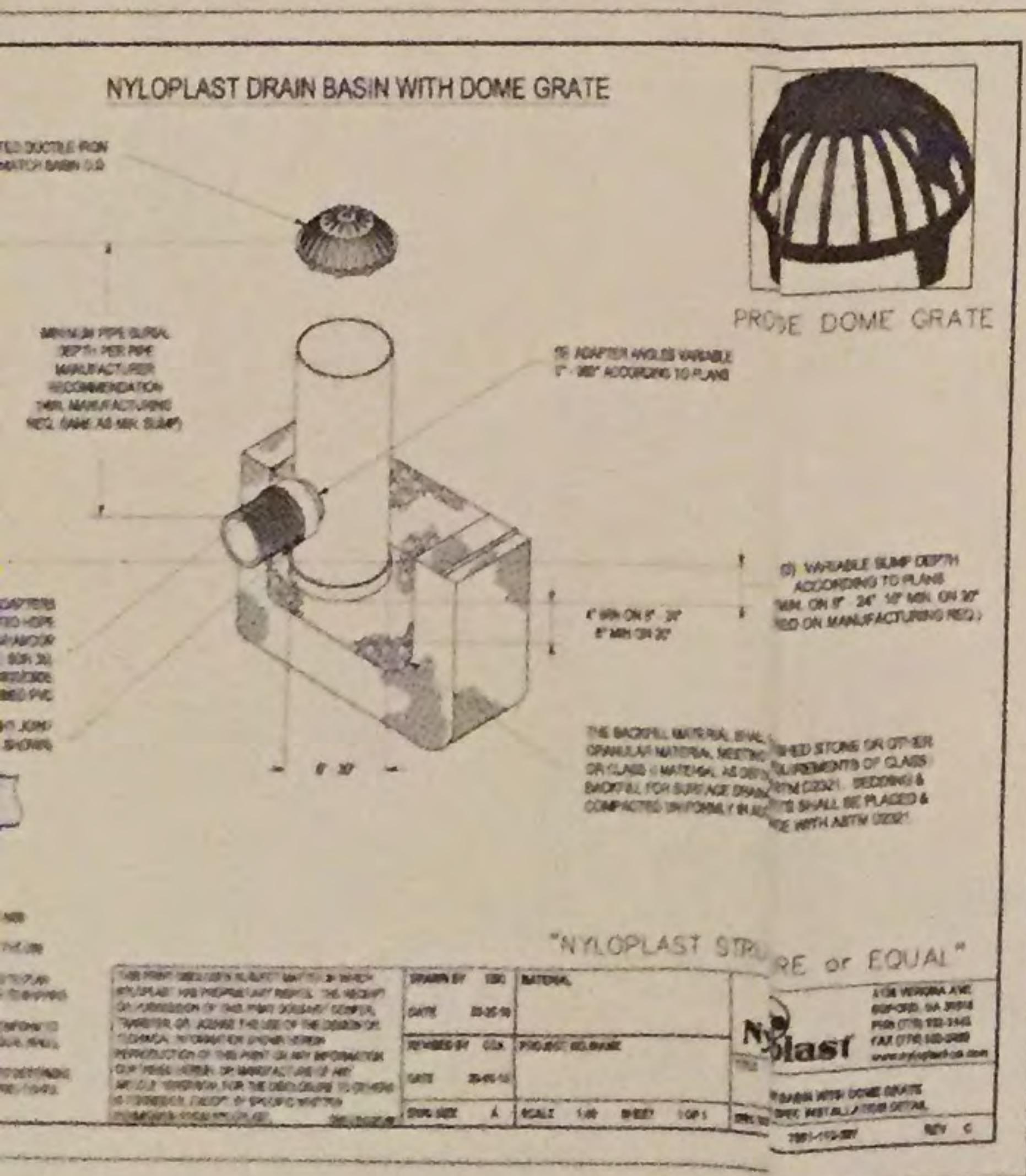
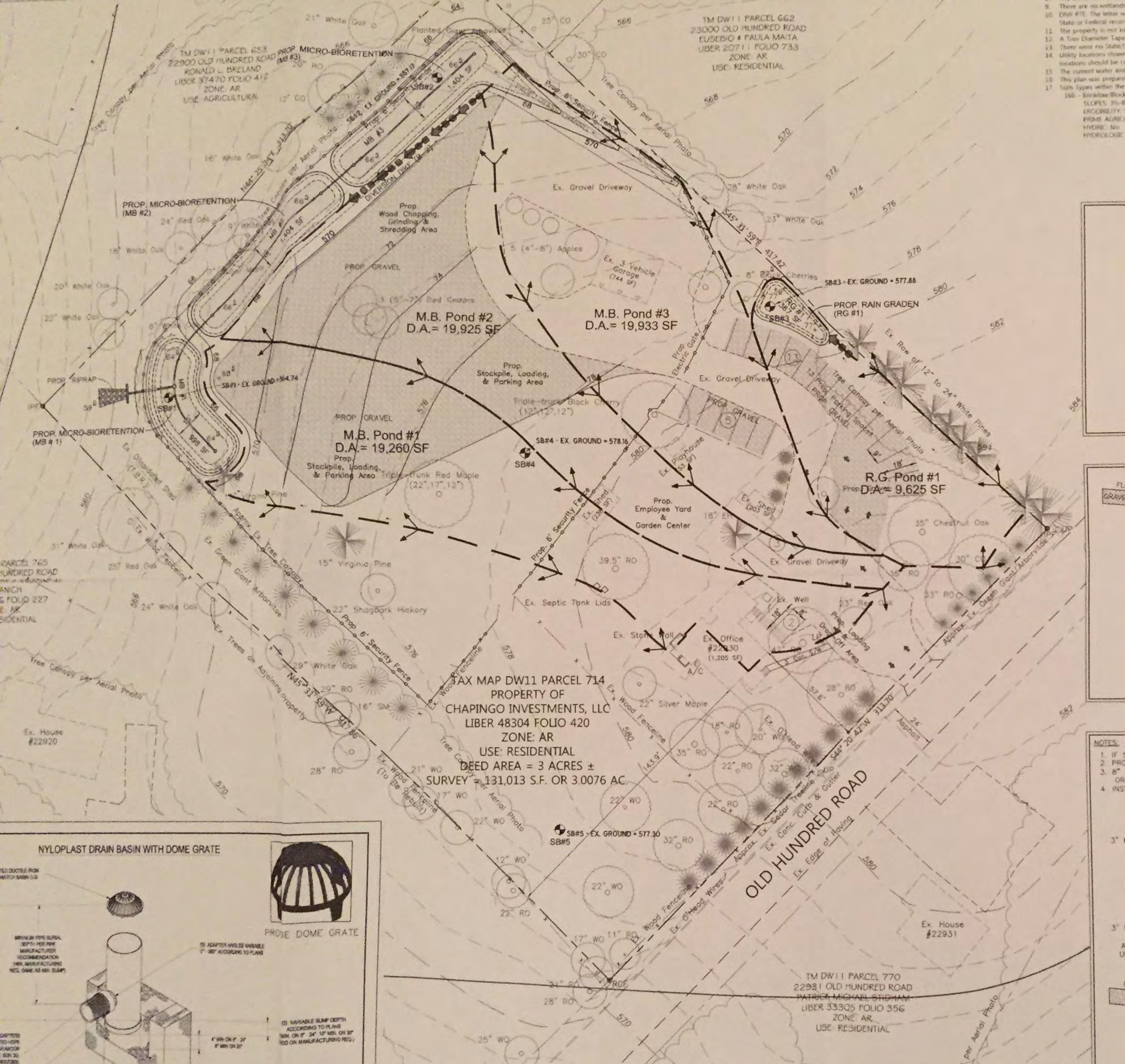
From: lveamazon@aol.com
To: Penn_Joshua@montgomerycountymd.gov
Cc: darcy.buckley@montgomerycountymd.gov
Subject: Additional documents Chapingo
Date: Wednesday, May 4, 2022 12:06:36 PM
Attachments: [Chapingo Attachment 1.zip](#)

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Hi Josh, these photos were taken at the Old Hundred Road property, not the subject of this CU. However they were provided to RRAC and I thought they might be informative. Also at that location Chapingo was required to put in stormwater ponds due to the damage they caused on their own and the neighboring farm property. Since they are part of my RRAC files on Chapingo, I am sending them along.

Thank you,

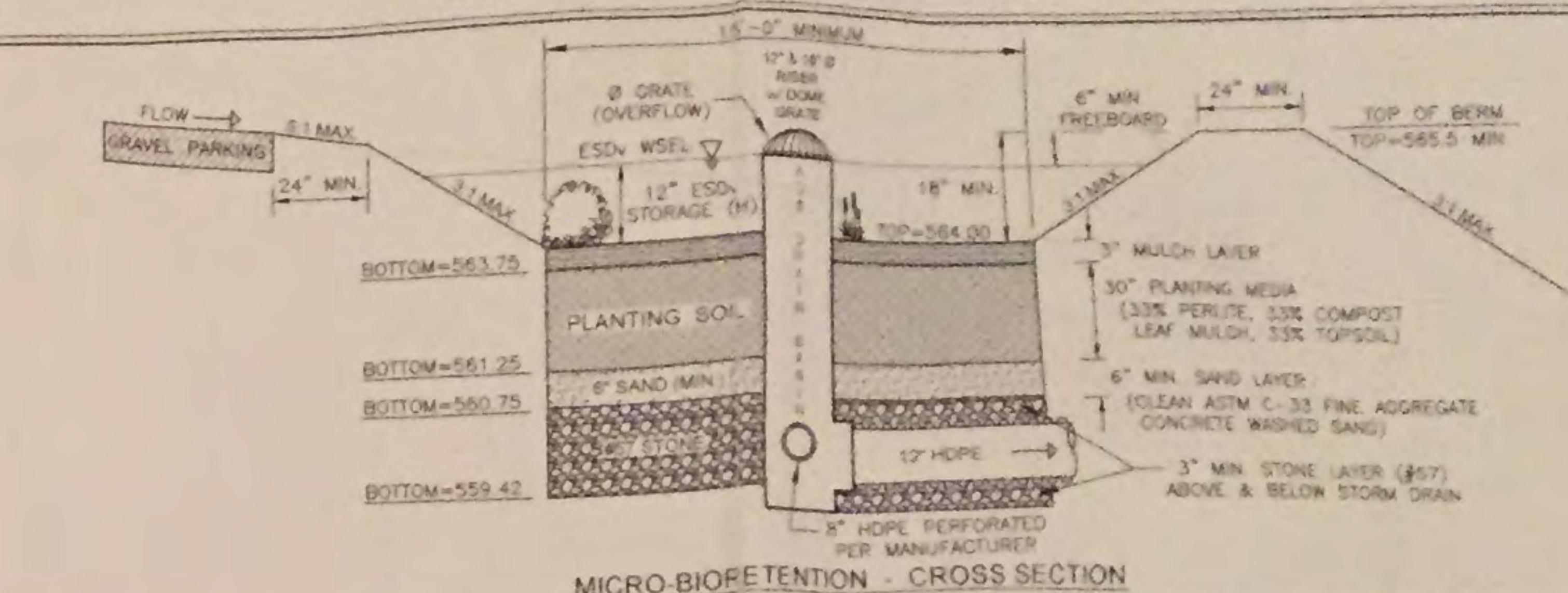
Laura



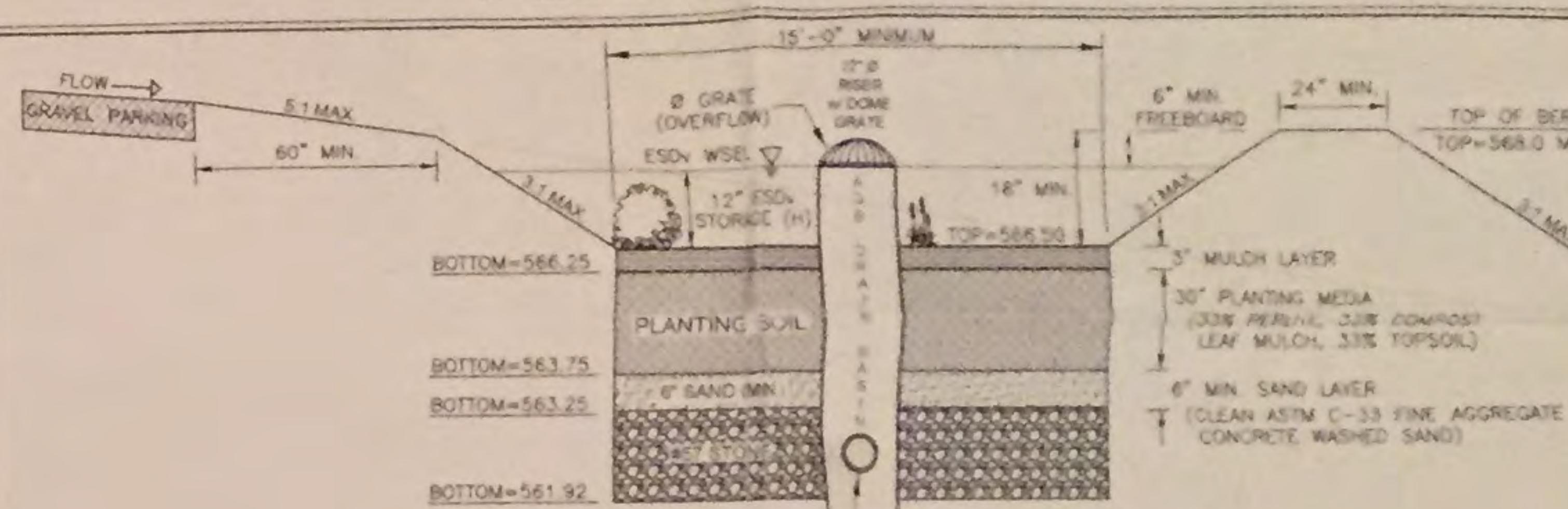
MAIN GARDEN FACILITY #1 - SECTION

PROFESSIONAL ENGINEER'S CERTIFICATION	
SIGNED BY	<i>Gerald Lee Miller</i>
GEERALD LEE MILLER, JR., PE	
DATE 5.22.17	

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GERALD LEE MILLER, JR., PE	
DATE 5-22-17	
MD LICENSE NO. 21401, PI EXPIRATION DATE 11-09-18	
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.	



MICRO-BIOPERMATION FACILITY #1 - SECTION

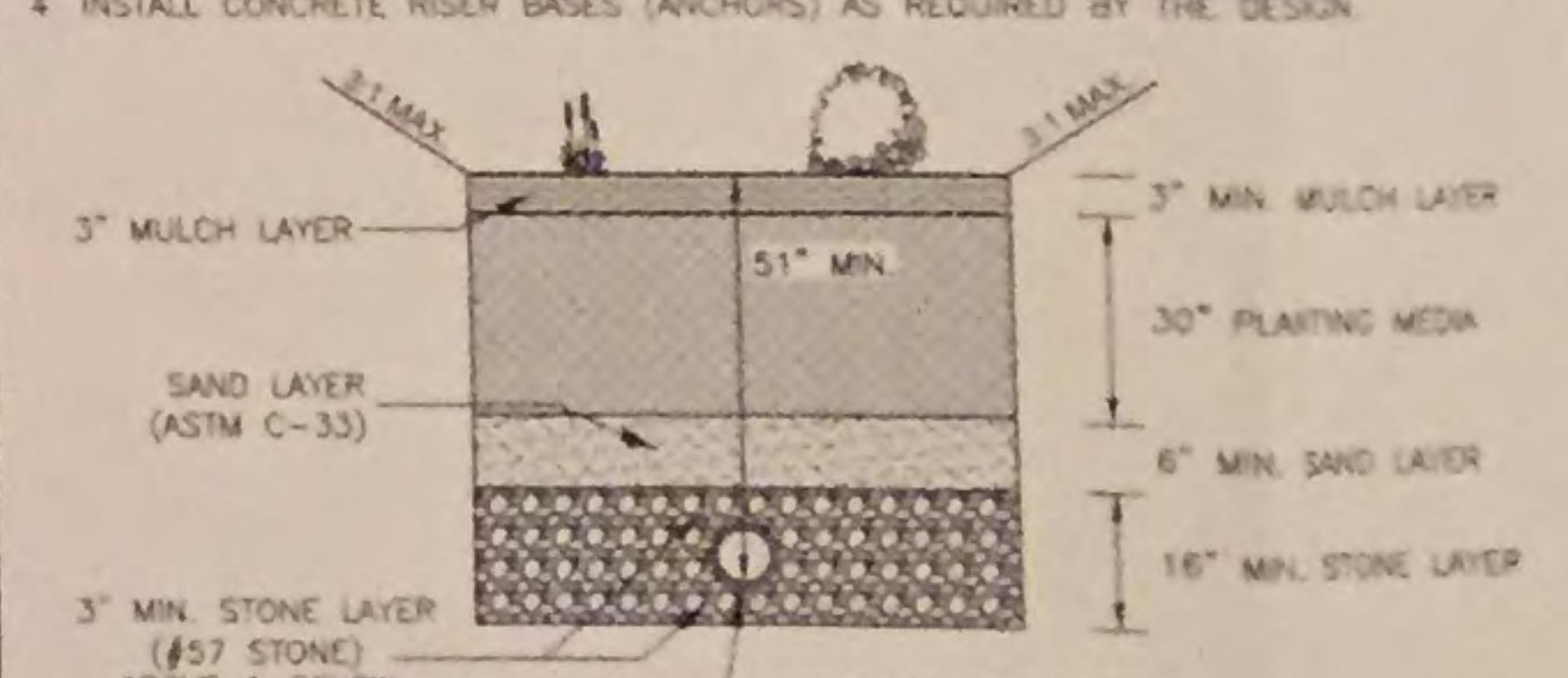


PER MANUFACTURER

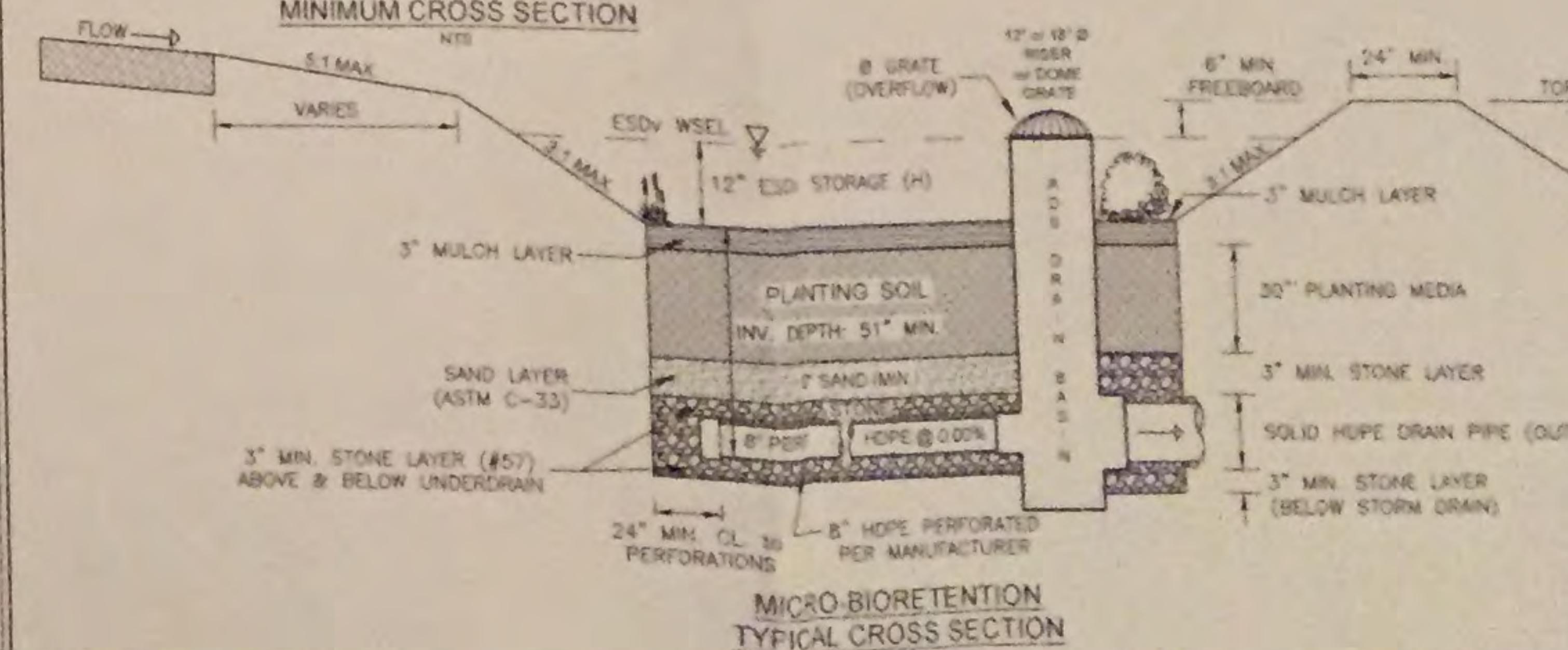
八九四

- NOTES:

 1. IF SIDE SLOPES > 3:1, PROVIDE LOW MAINTENANCE GROUND COVER.
 2. PROVIDE NON-WOVEN TYPE 1 GEOTEXTILE BETWEEN EACH LAYER.
 3. 8" PERFORATED HOSE PIPE MAY CONNECT DIRECTLY TO ADS DRAIN BASINS OR RISERS.
 4. INSTALL CONCRETE RISER PAPER (ANCHORS) AS REQUIRED BY THE DESIGN.



MICRO-BIORETENTION MINIMUM CROSS SECTION



MICRO-BIORETENTION FACILITY - TYPICAL DETAIL





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3000
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CHAVINGO

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TORO

88798T



T70



**Winter 2016 view from our property line - Less than 50 yards
from barn, stable & paddocks**



View from Old Hundred Road



Montgomery County Zoning

(last amended: March 21, 2017 H-115,H-118)

mcatlas.org/zoning/#

Address/Place Name Search:

Details Layers Info Dev. Info Print Measure

Property Info

Location:	Latitude: 39.2357 Longitude: -77.3658
ACCT #:	00916938
Parcel , Lot , Block:	P653 , N/A , N/A
Address:	22900 OLD HUNDRED RD BARNESVILLE, 20838
Legal Description:	FINAL CONCLUSION
Landuse:	Agriculture
WSSC Grid:	232NW17

Zoning Info

Zone:	AR
Overlay Zone:	N/A
TDR Overlay:	N/A
Allowable Use Table:	View PDF

Other Legislative Districts

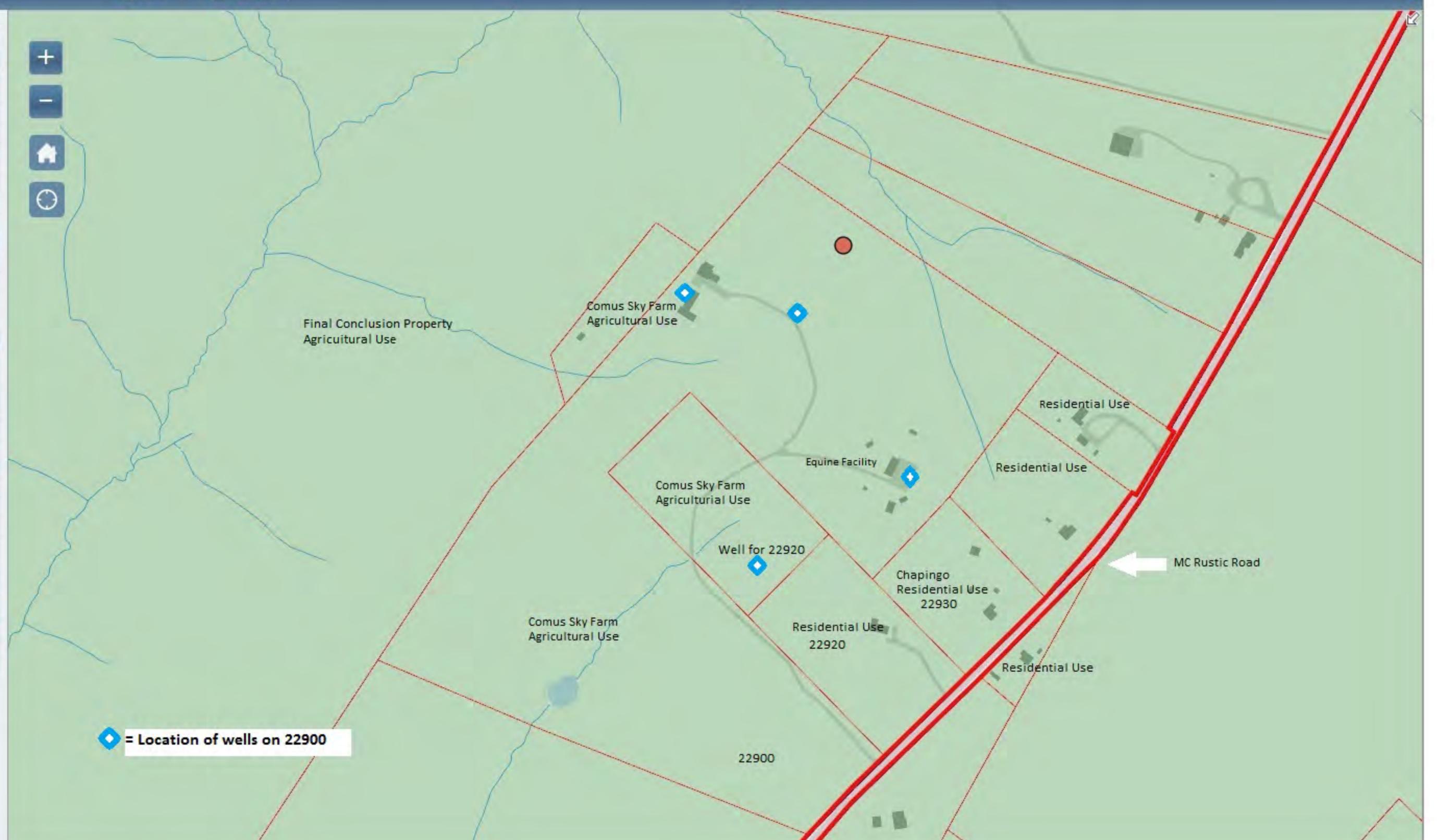
Septic Tier:	Tier 4: Conservation Area
Municipality:	N/A
Master Plan:	AGRICULTURAL & RURAL OPEN SPACE
Historic Site/District:	N/A
Parking District:	N/A
Urban District:	N/A
Central Business District:	N/A
Special Protection Area:	N/A
Enterprise Zone:	N/A
Arts & Entertainment District:	N/A
Special Tax District:	N/A
Bike/Pedestrian Priority Area:	N/A
Urban Renewal Area:	N/A
Metro Station Policy Area:	N/A
Priority Funding Area:	N/A

[Click Here](#) to see a list of Development Plans that exist at the selected location

 = Location of wells on 22900

Map Details:

- Final Conclusion Property Agricultural Use
- Comus Sky Farm Agricultural Use
- Well for 22920
- Chapingo Residential Use 22930
- Residential Use 22920
- Residential Use
- Equine Facility
- MC Rustic Road
- 22900

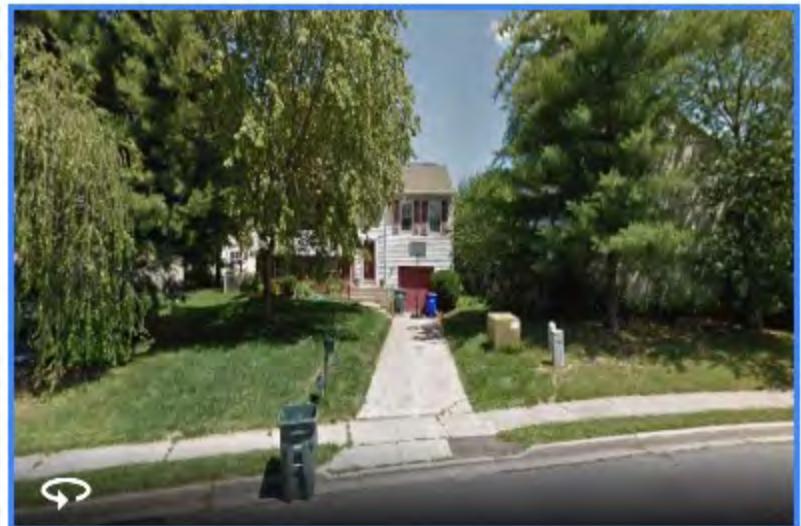


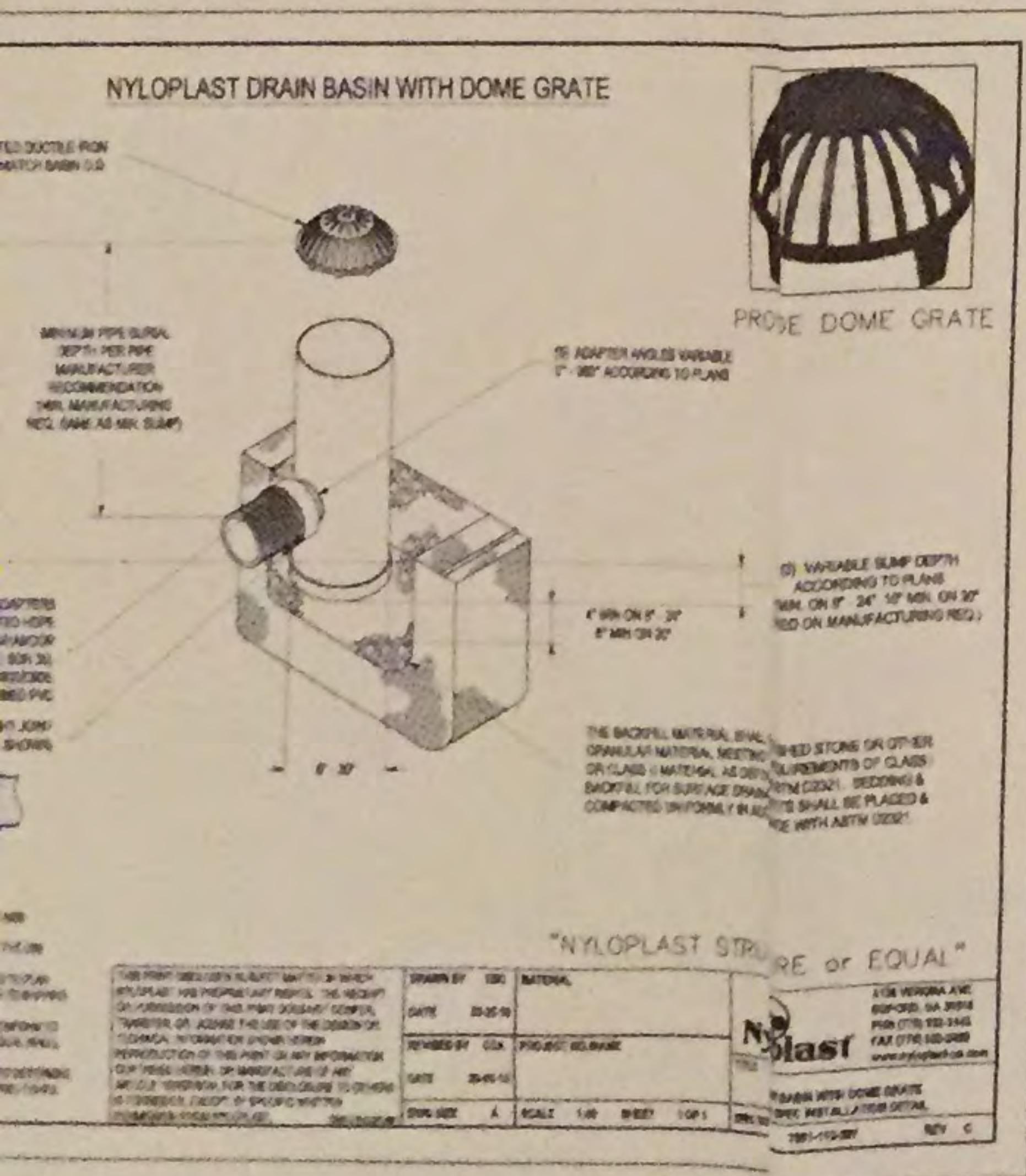
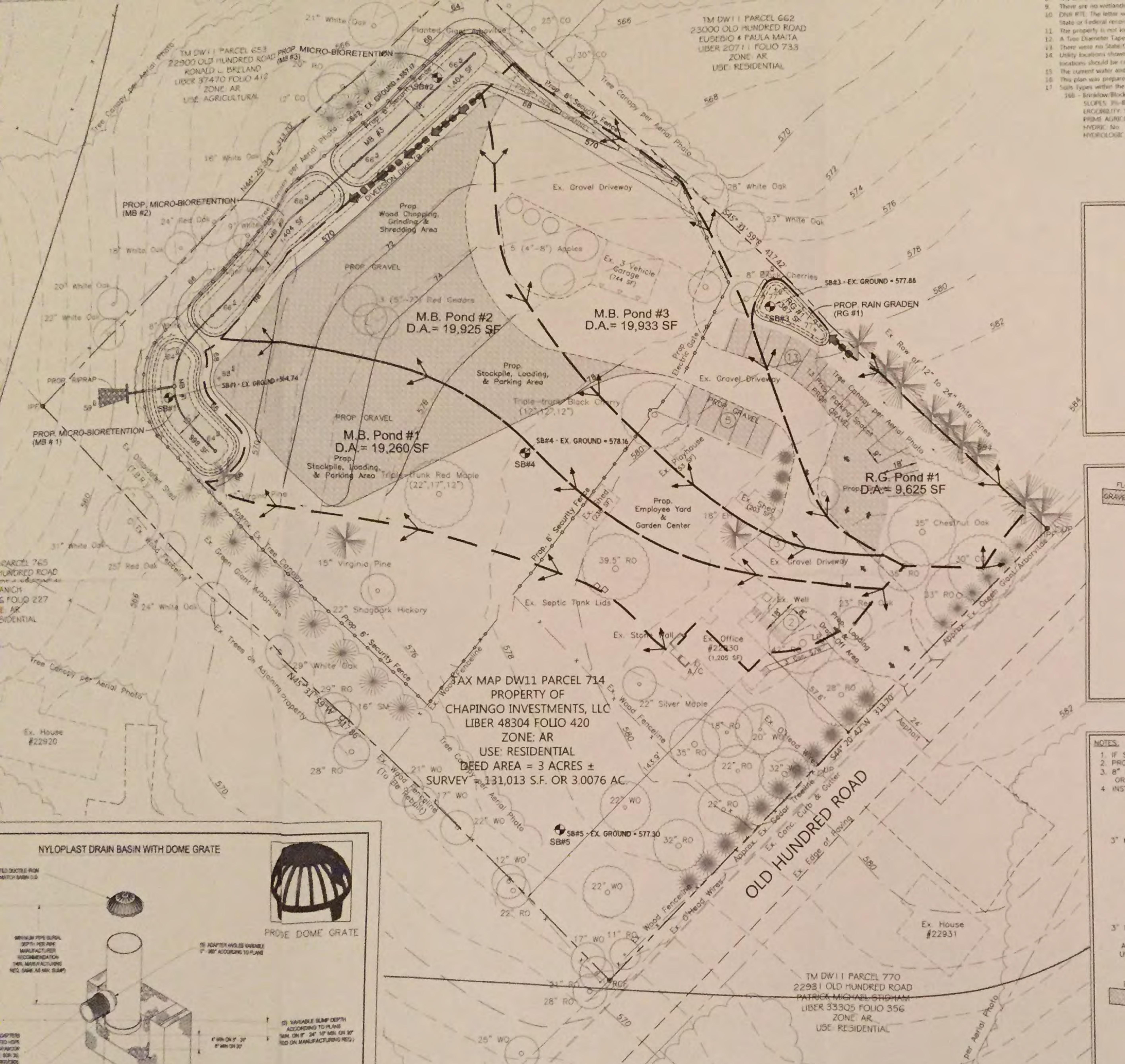
← 1199 Schaffer Dr



Schaffer Dr
Frederick, Maryland
Street View - Jun 2012

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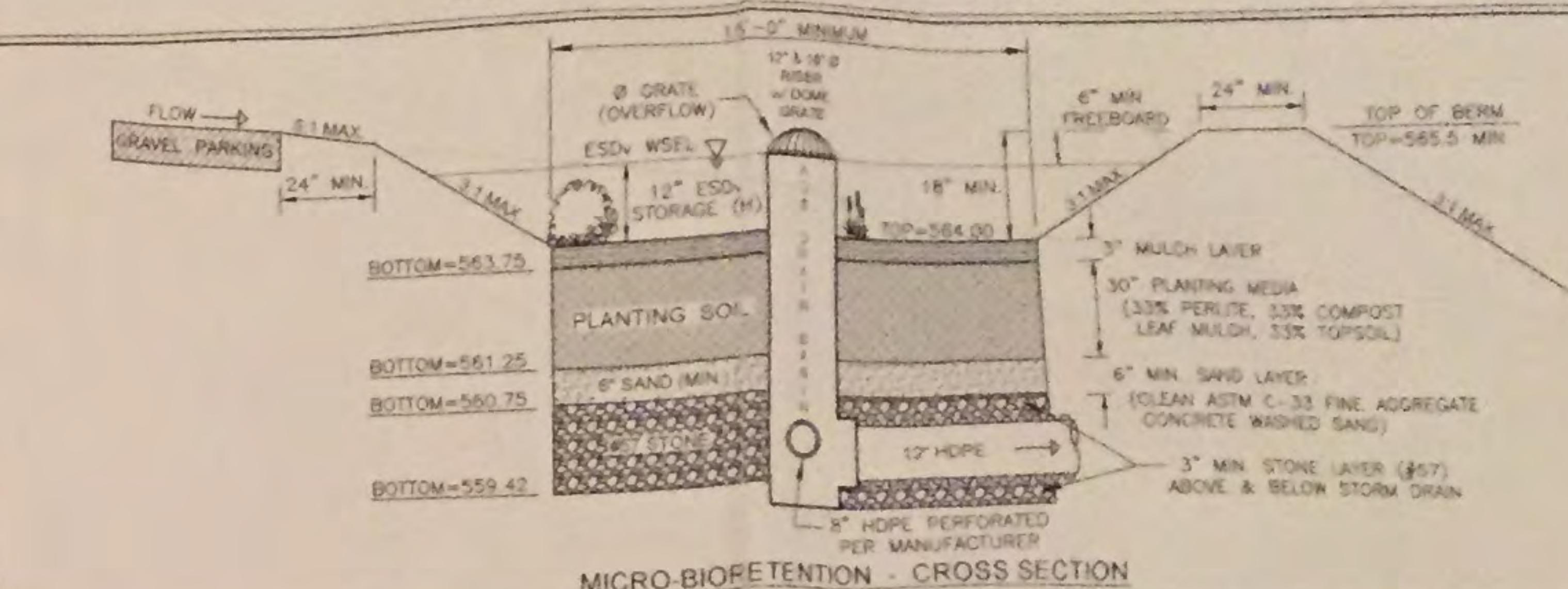




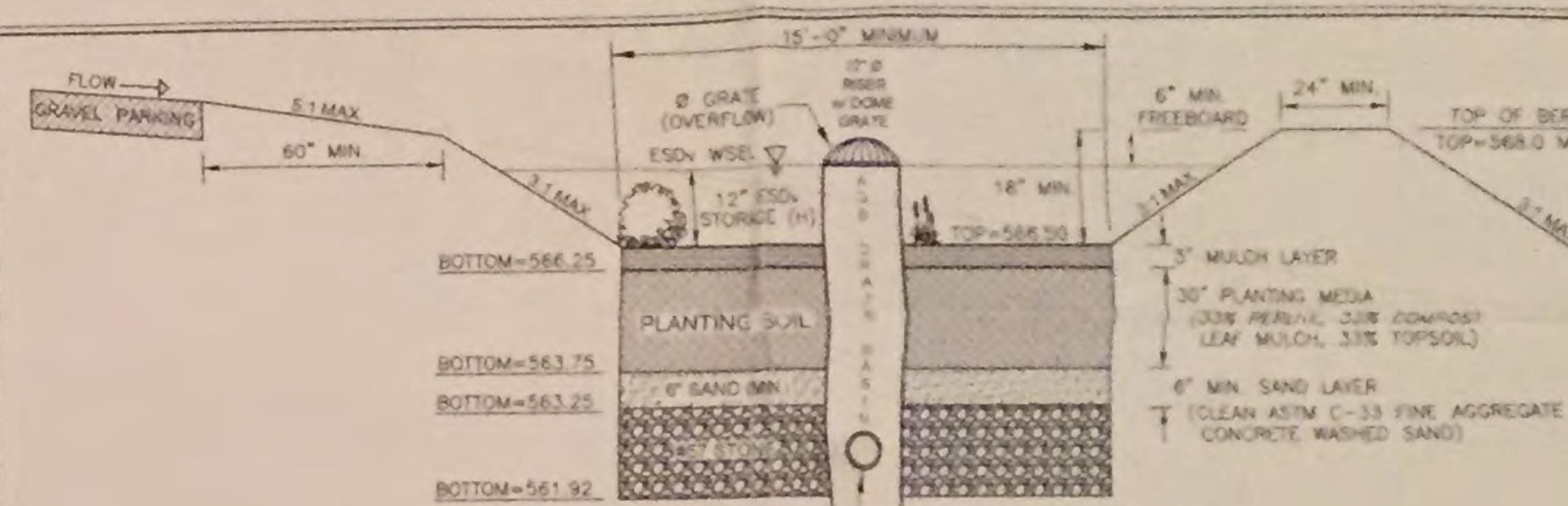
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MICRO-BIOPERFUSION FACILITY #1 - SECTION

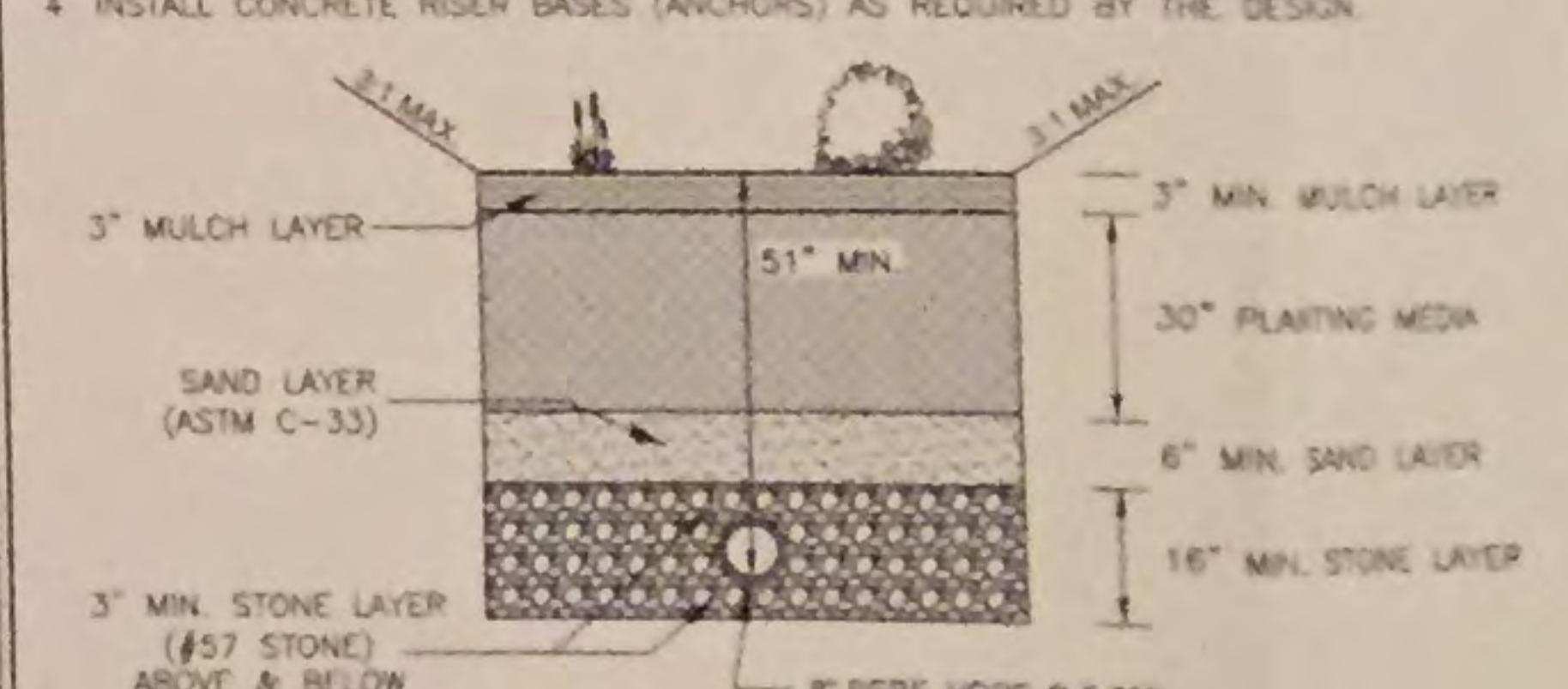


PEP MANUFACTURER

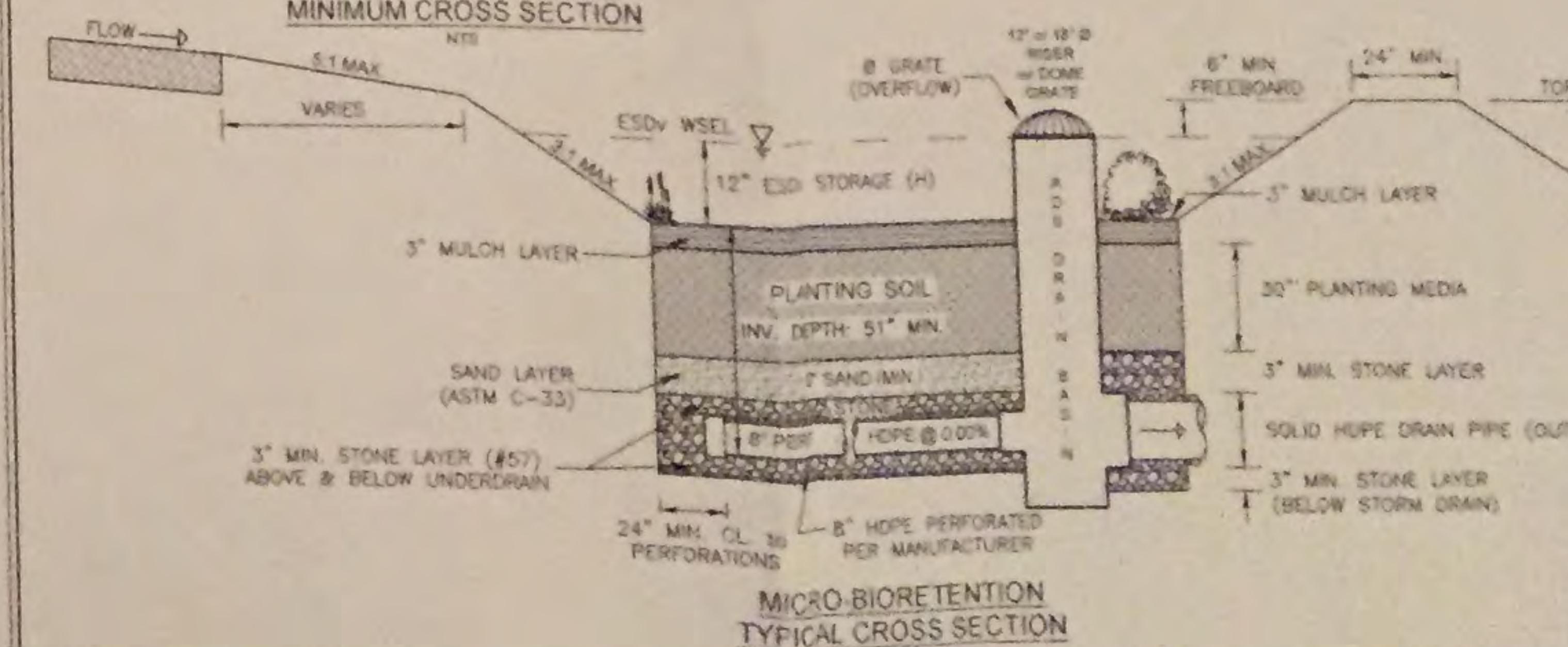
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4. INSTALL CONCRETE PIGEE PAPER (ANCHORS) AS REQUIRED BY THE DESIGN.

TREE OPTIONS	SHRUB OPTIONS	HERBACEOUS
SUGAR MAPLE	BOTTLE BRUSH BUCKEYE	BROOMSedge
WHITE BIRCH	BUTTONBUSH	JOE PYE WEED
WESTERN RED CEDAR	WITCH HAZEL	THREE SQUARE
WHITE PINE	DEADRIDGE HONEYSUCKLE	RED FLAG
JACK PINE	INDIANTERRY	CARDINAL FLAME
CRIMSON SUMAC	WINTERBERRY	SWITCHGRASS
SCAMONIA	AKERMANIA	PRINCE PANC
BLACK OAK	SPICERIBBLE	TALL CONEFLOW
YELLOW OAK	DAVIESBERT	BUCK GRASS
BLACK WILLOW		NEW YORK FERN



MICRO-BIORETENTION MINIMUM CROSS SECTION



MICRO-BIORETENTION FACILITY - TYPICAL DETAIL

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The dormancy season of the trees is a great time to prune your trees and shrubs because it reduces the stress caused by the heat, some pathogenic agents and the type of pruning practiced, also increases the visual inspection of damage and defects on the deciduous species reducing risk exposure and energy used by the plant to recover from the loss of canopy. Take advantage of the season low temperatures to prune your trees and as our limited time offer of a 10% off for your next job.



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We are a Tree Care Company that serves Washington DC area, Maryland and Northern VA and committed to deliver a high quality level of the tree care standards, having the safety as our first priority. Our crews are highly skilled to perform any of our offered services using a safe procedure to help minimize the impact of performing a work in the property. Our goal is provide the best value Tree Care Practices to our customers and promote a better and safer interaction between human being and urban green environment.

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PRUNING | REMOVALS | MULCHING CONSULTING
REPLACEMENTS | CABLING & BRACING | LIGHTING
PROTECTION | ORNAMENTALS | REISTOGRAPH TESTS

CONTACT US

p: [301.646.2516](tel:301.646.2516)
f: [240.575.9943](tel:240.575.9943)

jose@chapingotreecare.com



Services

Tree & Shrub Pruning

As trees and shrubs grow, it's necessary to give them direction. This may be in the form of different types of pruning that enhances form, structure, health and safety. Proper pruning improves value and appearance to your trees and landscape.



Tree & Stump Removal

Our first priority we consider for every tree and shrub is their preservation. Sometimes removal is the best adequate practice for trees and shrubs regarding the health or unsafe conditions that they represent. Grind stumps is necessary for future landscape or construction projects.



Consultation

Assist our customers with the appropriate information for best meet their goal in preserving, planting, removals or replacing their trees and shrubs.



Tree & Shrub Planting and Replacement

Selecting the most appropriate tree or shrubs for every new location is critical in the health, appearance and longevity of the tree and shrubs. Selecting the right vegetative material could minimize space competition and susceptibility to pest and diseases. Using an adequate planting procedure could make the difference between success and failure of the new plant establishment.



Cabling and Bracing

There are techniques that help to keep the integrity of mainly trees and preserve them longer in a safer manner. If these techniques are not enough to keep the trees safe, removal may be recommended.



Lighting Protection

This technique means protect from the strike damage your valuable tree by installing lightning protection system that conducts the electric discharge away from the tree trunk and directs it to the ground.



Wood Density Test

It allows to know accurately the integrity and strength of the wood inside the tree structure to help determinate the risk level of a tree, therefore, take decisions between remove a tree versus pruning it.



Mulch

Its added a type of organic materials on root system of the trees and shrubs. It provides many benefits like keeps soil moisture for longer time, minimize drastically soil temperature changes and ones it composts deliver nutrients back to the soil and root systems. Also reduce damage to the root system from mowers and reduce soil compaction.



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We offer 24 hours emergency service in a safely manner to minimize or eliminate the hazardous that trees failure may represent for you



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Chapingo Tree Care Specialists

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Dickerson, MD 20842

Phone: [301.646.2516](tel:301.646.2516)
Fax: 240.575.9943

Email: jose@chapingotreecare.com

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From: lveamazon@aol.com
To: [Penn, Joshua](#); [Pratt, Jamey](#)
Subject: Additional photos Chapingo
Date: Wednesday, May 4, 2022 1:55:21 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Josh, these are legal drone photos taken by a relative of one of the neighbors yesterday. They show the porta-potty clearly.

Laura



