

## Item 6 - Correspondence

**From:** [Penn, Joshua](#)  
**To:** [MCP-Chair](#)  
**Subject:** FW: Comments on Chapingo LLC Conditional Use Application  
**Date:** Wednesday, June 1, 2022 10:03:26 AM  
**Attachments:** [Chapingo Conditional Use Application 2022.docx](#)

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Additional community letter

### Joshua Penn

Planner III

Montgomery County Planning Department  
2425 Reedie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902  
[Joshua.Penn@montgomeryplanning.org](mailto:Joshua.Penn@montgomeryplanning.org)  
o: 301.495.4546

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**From:** pablo proano <pab1080@yahoo.com>  
**Sent:** Wednesday, June 1, 2022 9:58 AM  
**To:** Penn, Joshua <joshua.penn@montgomeryplanning.org>  
**Cc:** Sara.Behanna@montgomerycountymd.org  
**Subject:** Comments on Chapingo LLC Conditional Use Application

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

Hello Mr. Penn,

I hope this letter is not too late. We purchased the property on 120002 Prices Distillery which is right next to the Chapingo property. When we purchased the 20 acres it was under the assumption that any company would NOT be operating a business near us.

We are currently entering a contract to build a beautiful new home and the last thing we want is for this conditional use application to be approved. We would never have bought the property nor entered a contract to build if we knew the property next to us would be used in this manner.

Please find letter attached with additional concerns we have.

Thank you,  
pablo

Comments on Chapingo LLC (dba Chapingo Tree Care Specialists)  
Conditional Use Application # CU202207

By

Pablo Proaño  
Yassameen Behzadi  
12002 Prices Distillery Rd  
Clarksburg, MD 20871  
240-682-3093  
June 1, 2022

My wife and I purchased the 20 acre property on 12002 Prices Distillery and are in the process of starting construction on a home. Our property directly neighbors the Chapingo property and shares a property line.

We do not agree with having a landscape company located in an area that's zoned as agricultural. This was the main reason we purchased our property and intend to build a new home. There are several concerns around having any landscape company located right next to our new property/home.

These reasons include:

- The property is zoned as AR and it should remain that way to preserve the beauty of this area
- Waste disposal. The current building is not equipped to have 16+ employees arriving and using facilities. There is a sanitary issue with that many people arriving and not having access to a bathroom. I do not want to be looking at porta johns from our new home. Additionally, there will be trash accumulating on the property.
- Large trucks driving on restricted roads like Burnt Hill Rd
- Noise from traffic at 6 am and after hour gatherings
- Traffic: there's already a good volume of traffic during rush hour as commuters take back roads to get home. Having this large number of trucks arriving and leaving the Chapingo property will make this worse.
- Illegal storage of fuel on the property – what happens if this spills onto our agricultural land?

So, for the record, we strongly oppose the approval of the above-referenced Conditional Use application.

*Pablo Proano*

\_\_\_\_\_  
Pablo Proano

  6/1/22  

\_\_\_\_\_  
Date

*Yassameen Behzadi*

\_\_\_\_\_  
Yassameen Behzadi

  6/1/22  

\_\_\_\_\_  
Date

**From:** [Penn, Joshua](#)  
**To:** [Coello, Catherine](#); [MCP-Chair](#)  
**Cc:** [Butler, Patrick](#); [Zeigler, Donnell](#); [Beall, Mark](#)  
**Subject:** CU202207 12120 Prices Distillery Rd (Chapingo)  
**Date:** Wednesday, June 1, 2022 8:40:34 AM  
**Attachments:** [4592\\_001.pdf](#)  
[4596\\_001.pdf](#)  
[4597\\_001.pdf](#)  
[4595\\_001.pdf](#)

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Catherine,

The applicant has requested the following files be added to the record for Item #6 CU202207 12120 Prices Distillery Rd (Chapingo) set for tomorrow's Planning Board date (6-02-22). These files include 5 letters of support (4 of which are unique, one is a duplicate) and the site distance report.

### **Joshua Penn**

#### **Planner III**

Montgomery County Planning Department  
2425 Reddie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902  
[Joshua.Penn@montgomeryplanning.org](mailto:Joshua.Penn@montgomeryplanning.org)  
o: 301.495.4546

# SUPPORT LETTERS



**CHAPINGO** Tree Care Specialists  
 3558 Worthington Blvd. Unit # 201, Frederick, Md 21704  
 (301) 646-2516 (240) 575-9649  
 Fax: (240) 575-9943  
 www.chapingotreecare.com



To Whom It May Concern,

We are writing to express our support for our neighbor, Jose Alvarez Magna and his company Chapingo Investments LLC's plan for a Landscape Contractor operation at its 36 plus acre property, 12120 Prices Distillery Road, Damascus, MD that Chapingo purchased in 2020 from Mr. Mark Yates. We feel that this service is one that is agriculturally related and thus fits in our area and is needed in our community and beyond.

Jose has informed us that he will be working through the County's land use review process in order to obtain a Conditional Use approval for the Landscape Contractor use. We understand that the request will be reviewed at public hearings before the County's Planning Board and Office of Zoning and Administrative Hearings (OZAH), which the public can attend and speak to the application. We also have been informed that there will be a County sign(s) posted on the subject property that will provide information about the request.

Thank you for your consideration.

Sincerely,

GENE WALKER

Name-printed

Gene Walker

Signature

3/23/2021

Date

12051 PRICES DISTILLERY Rd.

DAMASCUS MD 20872

Address



# CHAPINGO Tree Care Specialists

3558 Worthington Blvd. Unit # 201, Frederick, Md 21704  
(301) 646-2516 (240) 575-9649  
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Thank you for your consideration.

Sincerely,

LAWRENCE G. WALKER

Name-printed

*L. Walker*

Signature

3-23-2021

Date

12211 PRICES DISTILLERY RD

DAMASCUS, MD 20872

Address



# CHAPINGO Tree Care Specialists

3558 Worthington Blvd. Unit # 201, Frederick, Md 21704  
(301) 646-2516 (240) 575-9649  
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Thank you for your consideration.

Sincerely,

DAVE WORRELL SR

Name-printed

Dave Worrell Sr.

Signature

5-24-2021

Date

11925 PRICES DISTILLERY RD

DAMASCUS, MD 20872

Address



# CHAPINGO Tree Care Specialists

3558 Worthington Blvd. Unit # 201, Frederick, Md 21704  
(301) 646-2516 (240) 575-9649  
Fax: (240) 575-9943  
www.chapingotreecare.com



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Thank you for your consideration.

Sincerely,

BRIAN MULLIGAN

Name-printed

May 31 2022

Date

[Signature]

Signature

12424 PRICES DISTILLERY  
DAMASCUS MD 20872

Address

## Sean Patrick Hughes

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**From:** . Walker <rollingknoll@hotmail.com>  
**Sent:** Monday, May 30, 2022 9:34 AM  
**To:** Dave@paportner.com; Jose Alvarez (jose@chapingotreecare.com); Sean Patrick Hughes  
**Subject:** In support of Alvarez operation

The Alvarez property is directly across from the entrance to our farm/home. We have a complete view of the property in the appeal. We have met Mr Alveraz and used the services of his company for tree maintenance on our farm. His buildings sit in the middle of 32+ acres. No neighbor is closer than 1000 feet from the buildings he is using.

In our opinion, after living here for some 37 plus years and watching changes in ownership and uses for the property, the services his company provide are beneficial to Montgomery County residents. There are two other landscape companies on Prices Distillery Rd approximately 1400 feet from the Alvarez driveway that have caused no concern. Most of the complaints are from new residents that are unfamiliar with living in the country; and those complaints have been solicited from one individual.

We support Mr. Alvarez's operation as it is no different, distracting, dangerous (twice a day, coming and going) or violating of agricultural use than the school busses, dump trucks, tractor trailers, farm equipment and speeding cars are on our 'milk route' country road. As far as we are concerned, tree removal/care is agricultural as is our farming operation.

Sincerely,

Dwight E Walker  
Linda L Walker

Rolling Knoll Farm  
12051 Prices Distillery Rd  
Damascus, MD 20872  
240.595.1156



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# SITE DISTANCE REPORT



**MONTGOMERY COUNTY, MARYLAND**  
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
 DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Chapingo Investments, LLC Preliminary Plan Number: 1-

Street Name: Prices Distillery Road Master Plan Road Classification: Arterial

Posted Speed Limit: 40 mph

Street/Driveway #1 ( Driveway/Site Ent. ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>720</u>	<u>Yes</u>	Right _____	_____
Left <u>710</u>	<u>Yes</u>	Left _____	_____

Comments:  
The sight distance is excellent in both directions at the site entrance!

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
*** Arterial - 40 ***	325' ***
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

\*Source: AASHTO

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

*Gerald L. Miller, Jr.*  
 Signature Gerald Lee Miller, Jr.  
 21401  
 PLS/P.E. MD Reg. No.

March 18, 2021



**Montgomery County Review:**

Approved

Disapproved:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** [Lawrence Walker](#)  
**To:** [MCP-Chair](#); [sphughes@mmcanby.com](mailto:sphughes@mmcanby.com)  
**Subject:** Fwd: CU No. CU202207  
**Date:** Tuesday, May 31, 2022 9:31:39 PM

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

----- Forwarded message -----

**From:** Lawrence Walker <[ltwalker44@gmail.com](mailto:ltwalker44@gmail.com)>  
**Date:** Tue, May 31, 2022 at 5:28 PM  
**Subject:** CU No. CU202207  
**To:**

I am writing today to express my support of the conditional use permit submitted by Mr. Jose Alvarez. Without getting too deep into the dispute, I understand some of the grievance stems from excessive noise from onsite machinery, trucks and other tree care equipment. I can say that from my property at 11211 Prices Distillery Rd, I have never heard any excessive noise coming from Mr. Alvarez's property, either in the morning, nor in the evening. I certainly see Chapingo trucks and equipment traveling back and forth on the road in front of my house. Just as i see other tree service trucks, landscape trucks/trailers, plumbing trucks, school busses, garbage/recycling trucks, tractors, and all sorts of other vehicles, as to be expected, traveling on any moderately traveled road. I sincerely hope that there is a compromise that can be reached to resolve this dispute, and that Mr. Alvarez can continue to operate his business on the property on which he purchased to do so.

Sincerely,  
Lawrence E. Walker  
12211 Prices Distillery Rd  
Damascus, Md 20872

**From:** [Buckley, Darcy B.](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Butler, Patrick](#); [Zeigler, Donnell](#); [Penn, Joshua](#); [Sean Patrick Hughes](#)  
**Subject:** Testimony on CU 202207  
**Date:** Tuesday, May 31, 2022 5:20:10 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[RRAC\\_CU202207\\_053122.pdf](#)

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

Please see the attached testimony from the Rustic Roads Advisory Committee on the application for CU 202207.

Thank you.

**Darcy Buckley, AICP**

Staff Coordinator, Rustic Roads Advisory Committee  
Planning & Engagement Specialist  
Strategic Communications Team, Director's Office  
Department of Transportation (MCDOT)  
Montgomery County, MD  
[Darcy.Buckley@montgomerycountymd.gov](mailto:Darcy.Buckley@montgomerycountymd.gov)



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## RUSTIC ROADS ADVISORY COMMITTEE



May 31, 2022

Montgomery County Planning Board  
2425 Reedie Drive, 14th Floor  
Wheaton, Maryland 20902

Re: Conditional Use Application No. CU202207, 12120 Prices Distillery Road

Dear Chair Anderson and Commissioners Verma, Cichy, Patterson, and Rubin:

The Rustic Roads Advisory Committee (RRAC) reviewed the application and the activities of Chapingo LLC at the above address on March 25, 2021, and again on January 22, April 27, and May 26, 2022. Prices Distillery Road is a rustic road, and at the nearby intersection to the east of the subject property is Burnt Hill Road, also a rustic road. The activities to be undertaken by this applicant will negatively impact both roads. This CU is inconsistent with the Rustic Roads Functional Master Plan and would be detrimental to the Significant Features of these rustic roads. At our meeting on May 26, 2022, the Committee voted unanimously against approval of this Conditional Use application. **We support the recommendation of Planning staff for denial of this application.**

The Rustic Roads Advisory Committee's jurisdiction is contained in Ch. 49 of County Code. The Committee reviews applications for such things as conditional use, subdivision, site plans, driveway access and mandatory referrals on rustic roads. We always review plans for the way a driveway meets the rustic road. Some attributes of properties along rustic roads are protected by Code as "Significant Features" and these must be preserved when changes or improvements are made; we advise on these Significant Features as well.

When we first saw this proposal in 2021, Chapingo LLC's application was incomplete; after a discussion with the applicant and his team about the proposed use of the property, RRAC members had several questions and asked them to return when the application was finalized.

The applicant's final written application states that the "existing gravel drive" is "sufficient in size and design for Chapingo Tree Care." Sometime prior to our April meeting, Chapingo extensively widened their driveway from 12' to as much as 31' and paved the entire 1,000' long surface with millings. The typical practice in these applications is that drawings for such changes are submitted to both the County Department of Permitting for an Access Permit and Fire and Rescue Service (FRS) review, and to RRAC for review before changes are made. When queried at our April meeting as to why they did not seek RRAC review prior to making this dramatic change, Chapingo representatives claimed the changes were required by FRS. After this meeting, RRAC immediately learned that FRS had not required these changes, but instead Chapingo had presented a drawing of the newly widened and paved driveway to FRS as "existing." The modified apron where the driveway meets the road is 65 feet wide; this excessive width is never required by FRS. We did not find a record of permit applications and approvals for this widening or for a stormwater permit the widening would have triggered.

A Significant Feature on Prices Distillery Road is the view of the John M. King bank barn, a Locational Atlas designated site. Chapingo representatives told the Committee several times that there was no intent to use the historic barn in the CU business, and that there would be no changes to it. Instead, Chapingo spokesmen said they only intended to use the newer shed-row type building on the property for the CU purposes. However, the applicant had withheld an Alteration of Building Permit letter stating Chapingo LLC's potential intent to alter "structure(s)" for use in the CU, and describing in detail the 1800s historic barn as one of the structures it may seek to alter. Chapingo LLC was repeatedly asked by the Committee to produce this document, and was asked for it again at our April meeting. After their repeated denials that there was a missing document, they produced it immediately after the meeting. The view of this barn listed as a Significant Feature is already being negatively impacted by portable toilet facilities and piles of millings visible from the road. The application emphatically states that the operation does not require any sanitary facilities for the workers, but this spring, a Porta Potty was placed on the site; County Regulation allows their use for temporary events only—not for permanent, year-round commercial operations such as this. The fact that a property does not meet septic standards is not an allowed exception to chemical toilet restrictions

On nearby Burnt Hill Road (rustic), there is a white concrete bridge that is a Significant Feature of the road. It currently is signed with a 30,000-pound weight limit (as many County bridges have when awaiting repair or reconstruction). The Committee asked Chapingo LLC to stop using this bridge. Chapingo representatives would only agree to stop sending over-weight trucks on the bridge. Neighboring farmers advised the Committee their heavily loaded trucks are continuing to use the bridge.

These actions demonstrate a pattern by Chapingo LLC of ignoring County laws and regulations, and Committee members are concerned that it indicates that the company is unlikely to conform to requirements or constraints established through the Conditional Use approval process. Their operations will only continue to destroy the rustic nature and Significant Features of these two rustic roads. Numerous complaints about Chapingo LLC's behavior at a previous location on Old Hundred Road (rustic), which were brought before the Committee in June 2017, indicate an ongoing pattern of ignoring required permits and being inconsiderate neighbors. And currently, complaints and photographs from neighboring farmers show that while Chapingo LLC moved wood debris from the top of the hill within plain view of Prices Distillery Road, that debris has been piled elsewhere on the property. Legal permission to dump wood debris requires a State permit from the Maryland Department of the Environment. While the wood debris is not affecting the protected views from the rustic road, the Committee views Chapingo LLC's actions as an indication of their continued disrespect for the law.

For these many reasons, we strongly and unanimously oppose the Chapingo LLC application for Conditional Use. Please contact us regarding any questions through our staff coordinator, Darcy Buckley, at [Darcy.Buckley@montgomerycountymd.gov](mailto:Darcy.Buckley@montgomerycountymd.gov).

Sincerely,



Laura Van Etten, Chair

Committee Members: Dan Seamans,  
Robert Wilbur, Kamran Sadeghi,  
N. Anne Davies, Barbara Hoover, Charles Mess



cc: Patrick Butler, M-NCPPC  
Don Ziegler, M-NCPPC  
Josh Penn, M-NCPPC  
Chapingo, LLC  
Sean Hughes, Miller, Miller & Canby

**From:** [.Walker](#)  
**To:** [MCP-Chair](#)  
**Subject:** CU202207 12120 Prices Distillery Rd  
**Date:** Monday, May 30, 2022 9:20:47 AM

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Montgomery County Planning Board:

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Sincerely,

Dwight E Walker  
Linda L Walker



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**From:** [.Walker](#)  
**To:** [MCP-Chair](#)  
**Subject:** CU202207 12120 Prices Distillery Rd  
**Date:** Monday, May 30, 2022 9:24:10 AM

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

We mailed a letter and failed to include our complete address. It is as follows:

Rolling Knoll Farm  
Dwight and Linda Walker  
12051 Prices Distillery Rd  
Damascus, MD 20872

240.595.1155  
301.253.6569



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