

**From:** [lveamazon@aol.com](mailto:lveamazon@aol.com)  
**To:** [Penn, Joshua](#); [Pratt, Jamey](#)  
**Cc:** [darcy.buckley@montgomerycountymd.gov](mailto: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](#)

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**[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 unplatted 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.



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**To:** [Penn, Joshua](#); [Pratt, Jamey](#)  
**Cc:** [darcy.buckley@montgomerycountymd.gov](mailto:darcy.buckley@montgomerycountymd.gov)  
**Subject:** Additional documents Chapingo  
**Date:** Wednesday, May 4, 2022 12:06:36 PM  
**Attachments:** [Chapingo Attachment 1.zip](#)

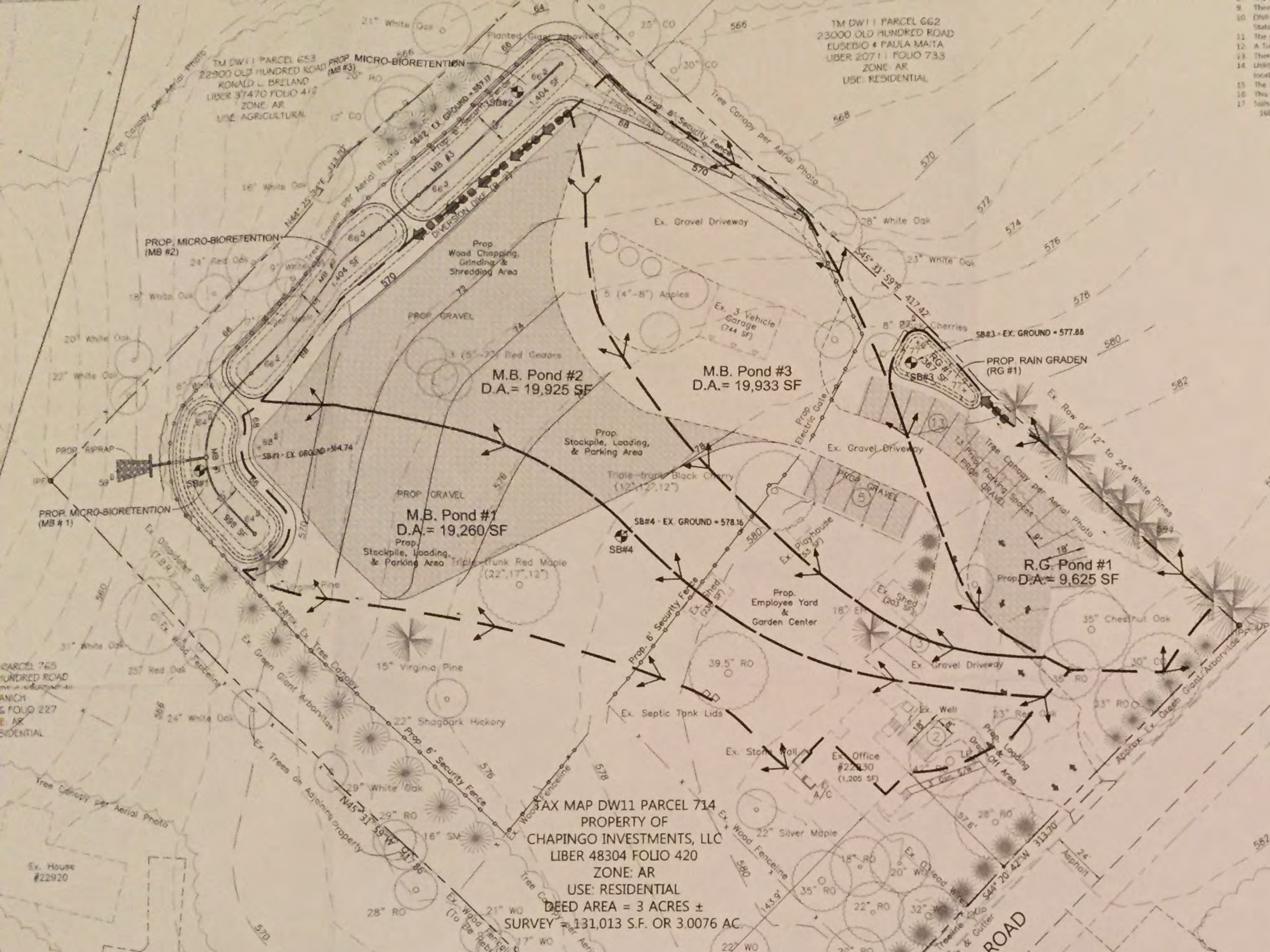
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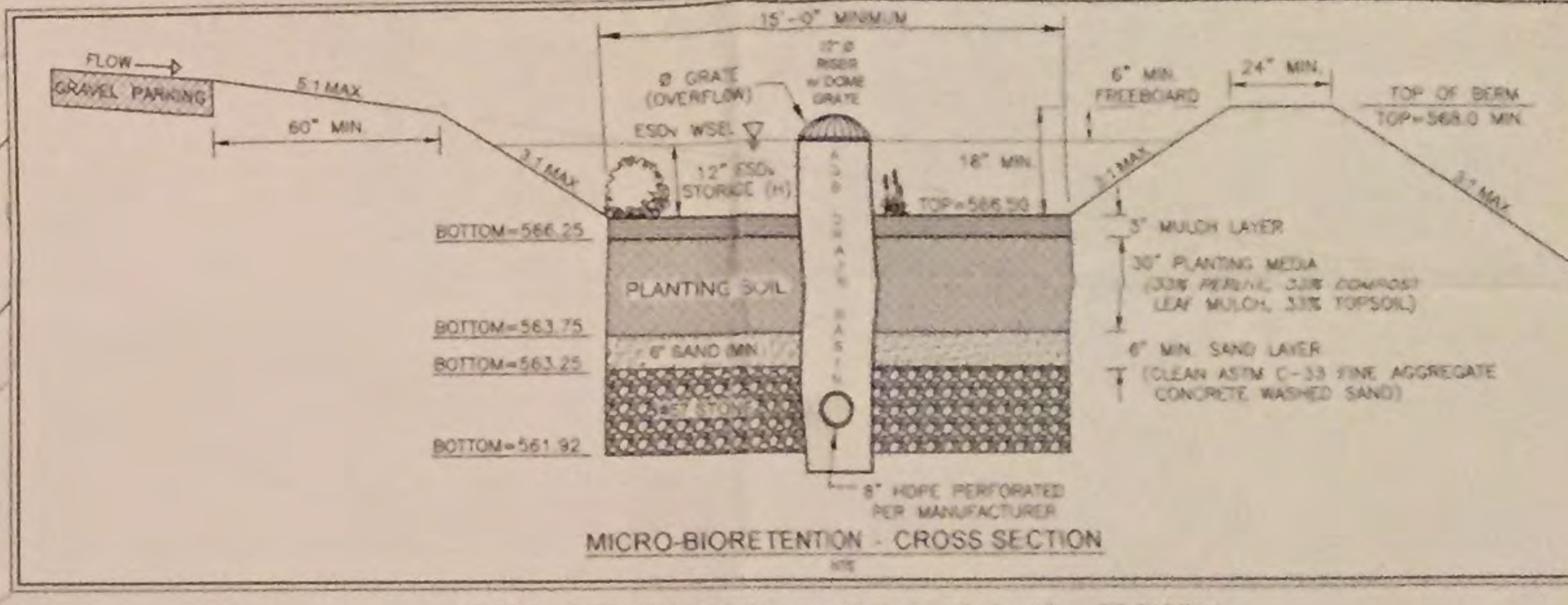
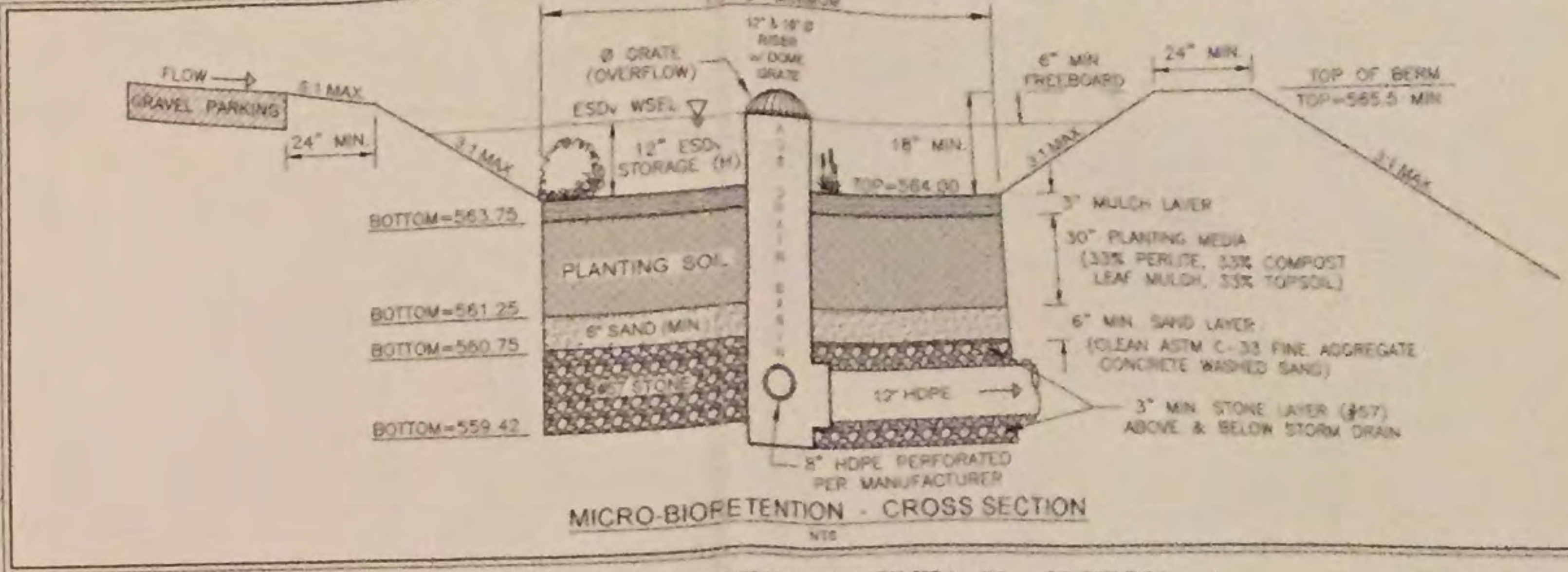
Hi Josh, these photos were taken at the Old Hundred Road property, not the subject of this CU. However they were provided to RRAC and I thought they might be informative. Also at that location Chapingo was required to put in stormwater ponds due to the damage they caused on their own and the neighboring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

Thank you,

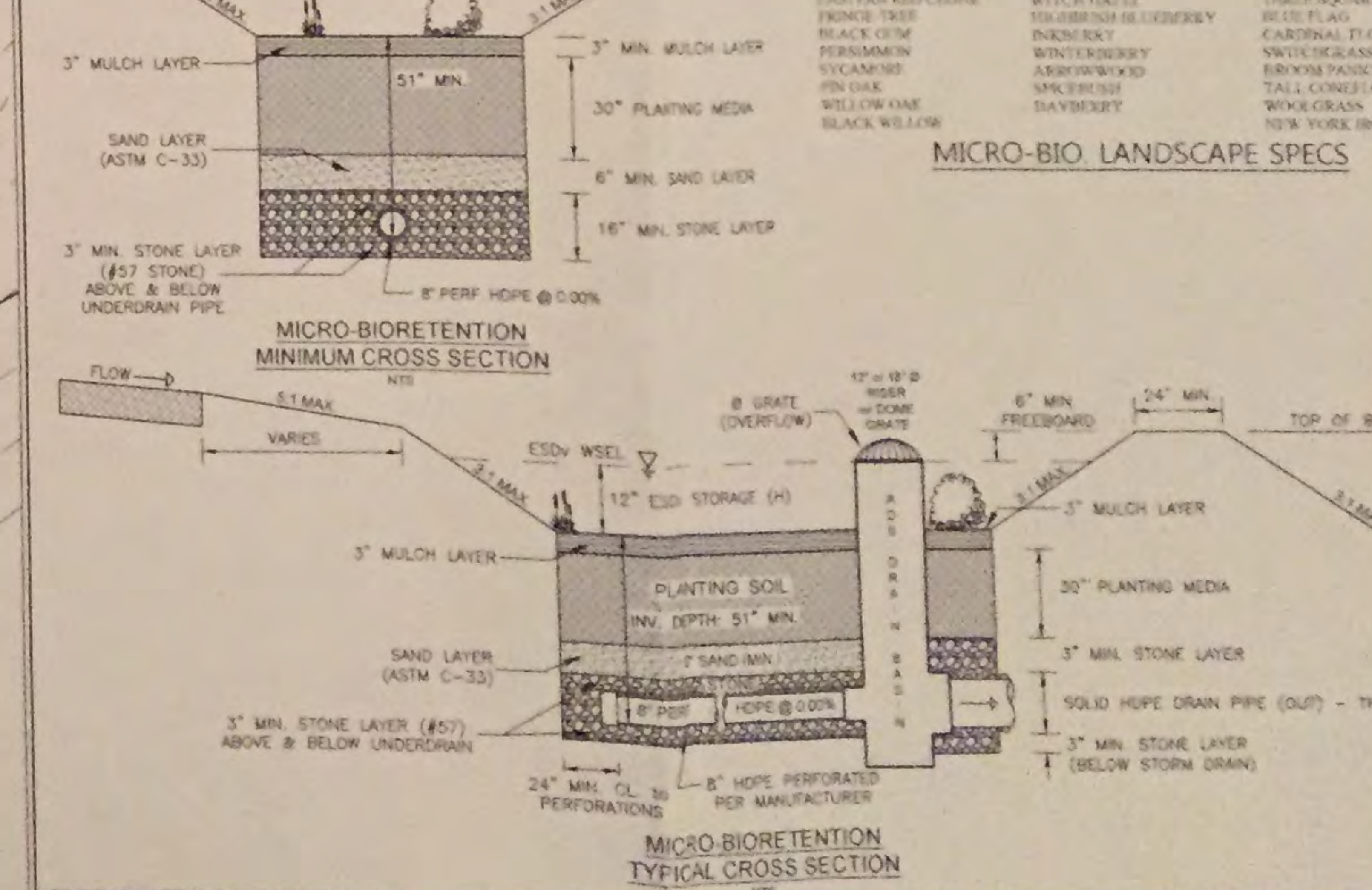
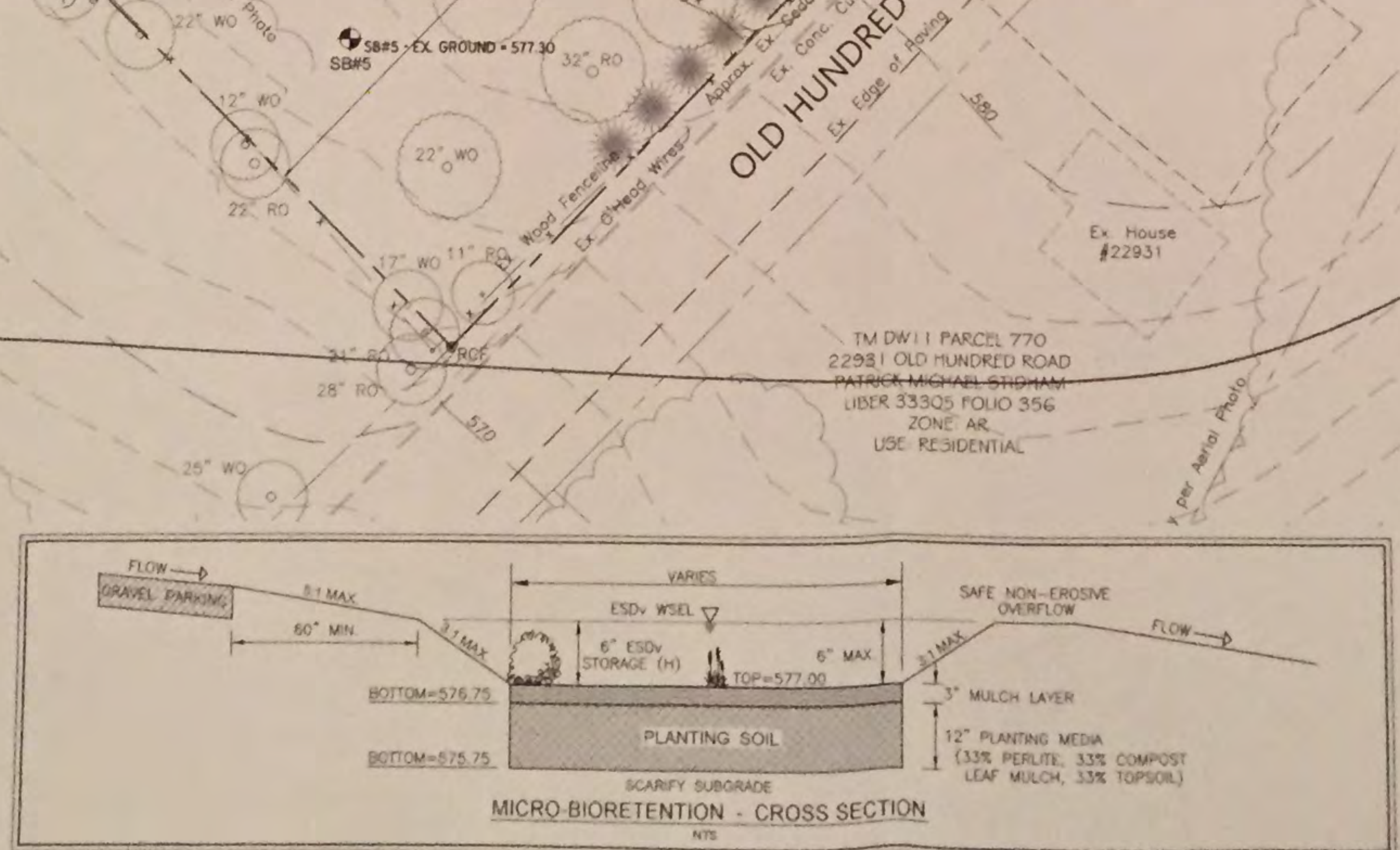
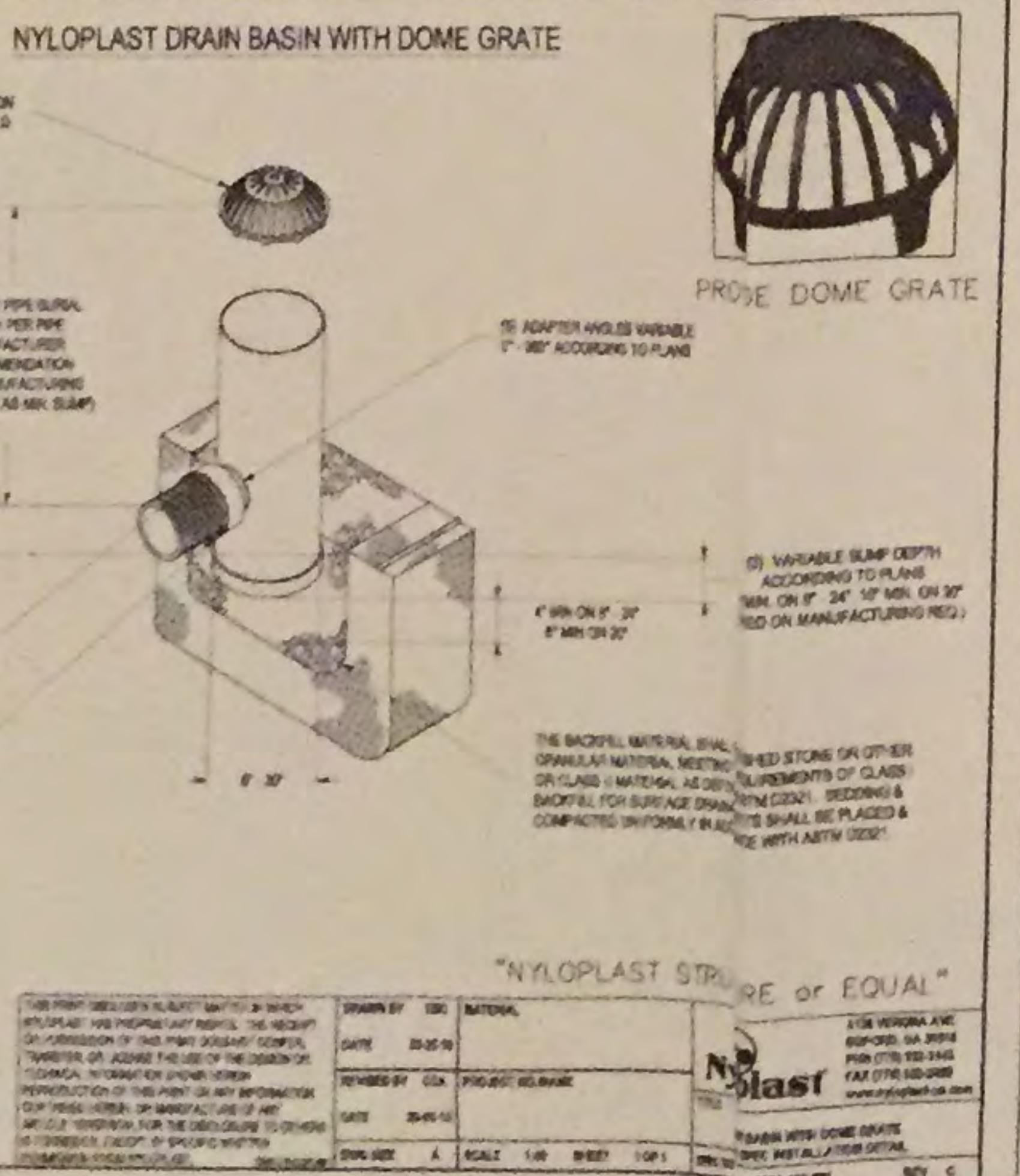
Laura



**PROFESSIONAL ENGINEER'S CERTIFICATION**  
 SIGNED BY *Gerald Lee Miller, Jr., P.E.* DATE *5.02.17*  
 GERALD LEE MILLER, JR., P.E. DATE  
 MD LICENSE No. 21401, P.E. EXPIRATION DATE: 11-09-18  
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND



- NOTES:**
- IF SIDE SLOPES > 3:1, PROVIDE LOW MAINTENANCE GROUND COVER.
  - PROVIDE NON-WOVEN TYPE 1 GEOTEXTILE BETWEEN EACH LAYER.
  - 8\"/>
- MICRO-BIO LANDSCAPE SPECS**
- | TREE OPTIONS       | SHRUB OPTIONS     | HERBACEOUS OPTIONS |
|--------------------|-------------------|--------------------|
| RED MAPLE          | BUTTERNUT         | BROOMSEDGE         |
| RYEBIRD            | DOGWOOD           | WEED               |
| EASTERN RED CEDAR  | WITCH HAZEL       | THREE SQUARES      |
| FRANCE TREE        | ENGLISH BLUEBERRY | BLUE FLAG          |
| BLACK OLM          | INKBERRY          | CARDINAL FLOW      |
| PERENNIAL WOODRUSH | WINTERBERRY       | SWITCHGRASS        |
| NYCAMOSE           | ASHLEAF WOODRUSH  | BRYNS PASC         |
| PIN OAK            | WAX MYRTLE        | TALL CORN CUP      |
| WILLOW OAK         | DAYBERRY          | WORK GRASS         |
| BLACK WILLOW       |                   | NY YORK IRON       |





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CHAVINGO

301-646-2516



DINCO EX-1000

TORO

88798T





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



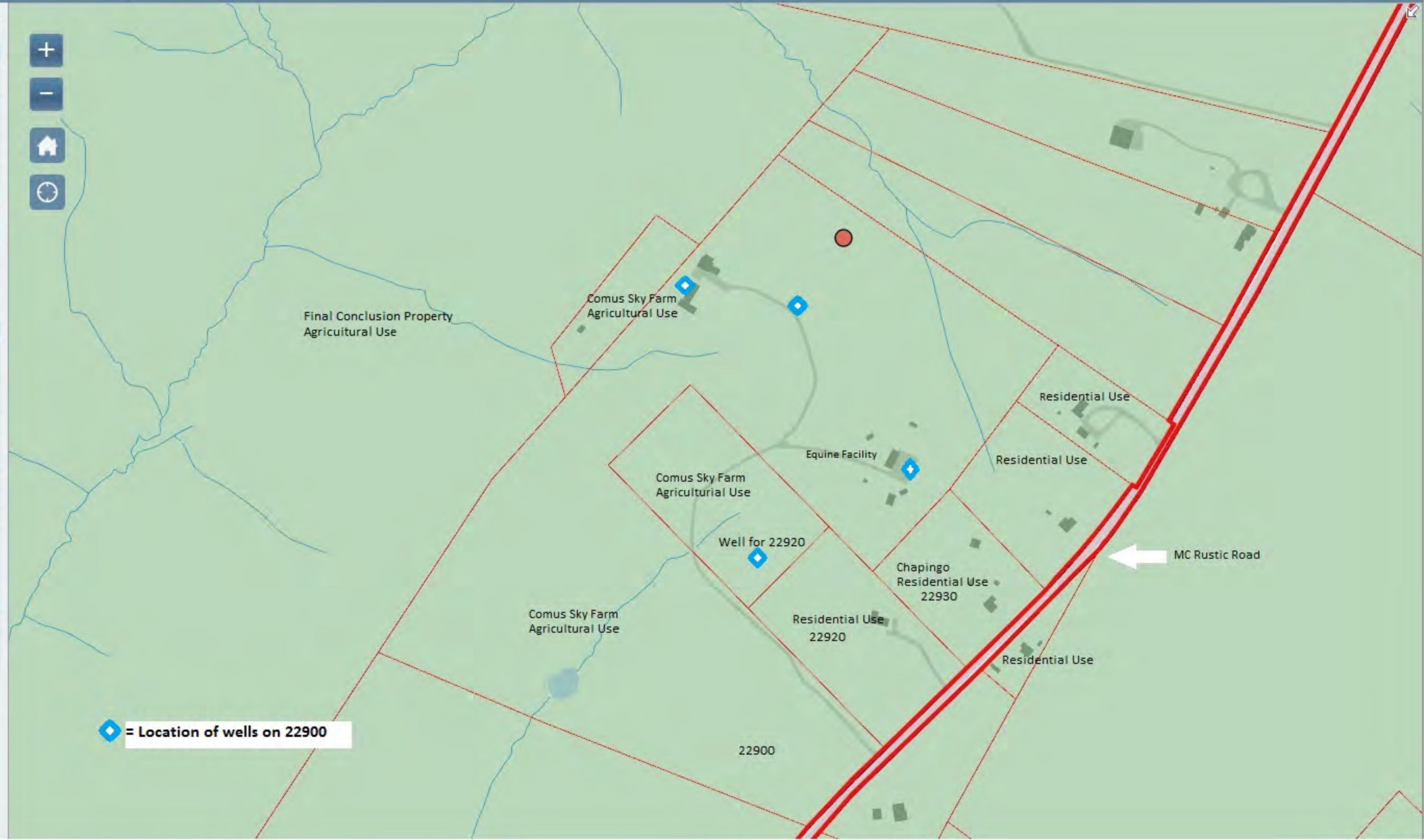
View from Old Hundred Road





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:	<a href="#">View PDF</a>
Other Legislative Districts	
Septic Tier:	Tier 4: Conservation Area
Municipality:	N/A
Master Plan:	<a href="#">AGRICULTURAL &amp; RURAL OPEN SPACE</a>
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



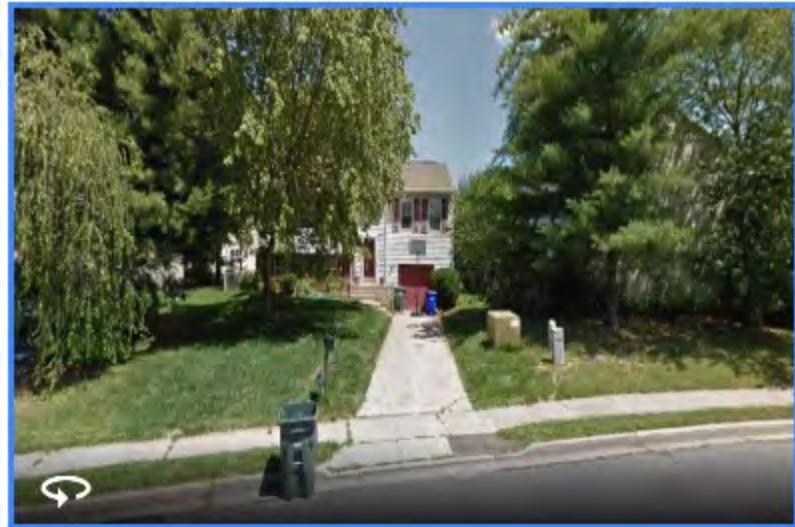
← 1199 Schaffer Dr

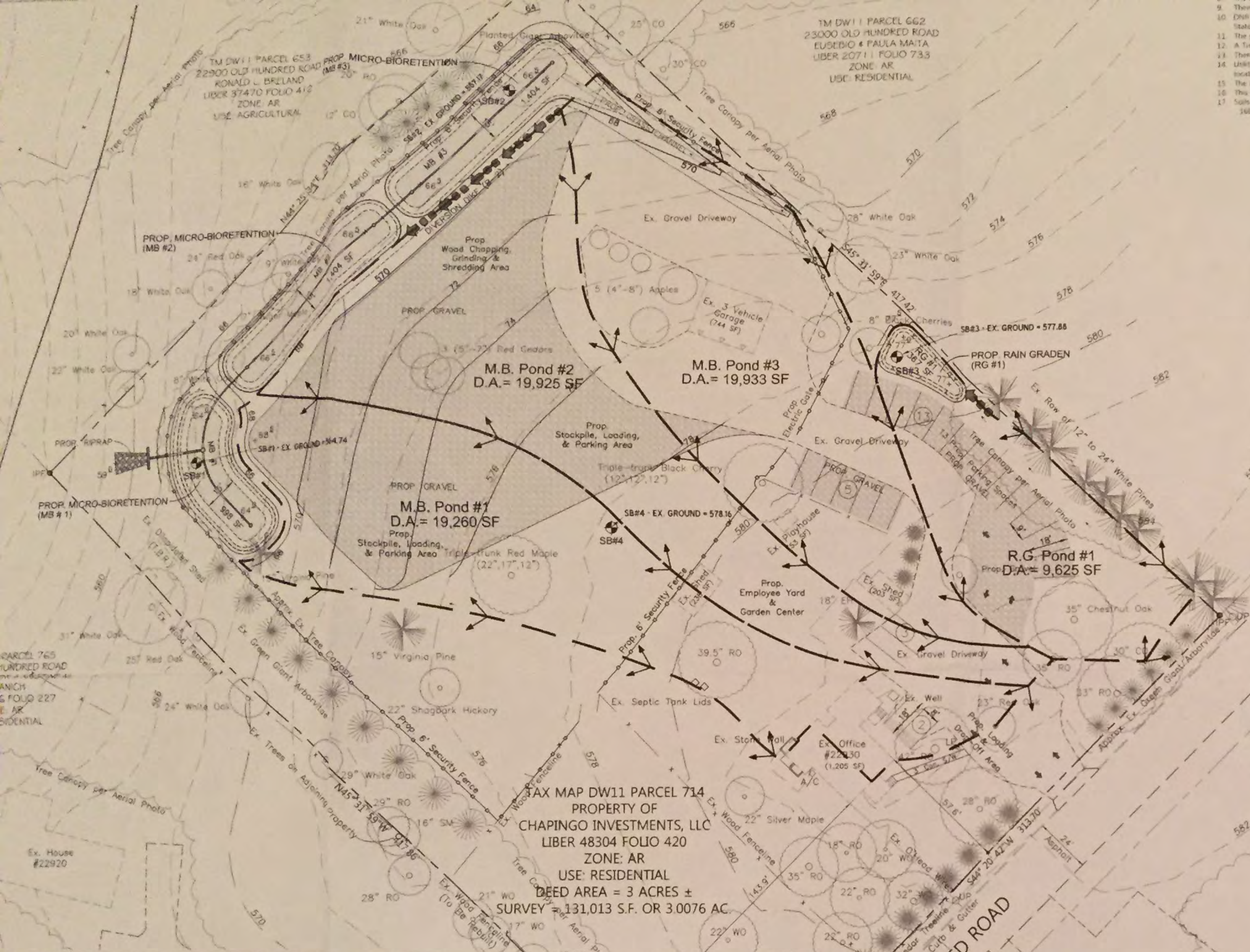


Schaffer Dr

Frederick, Maryland

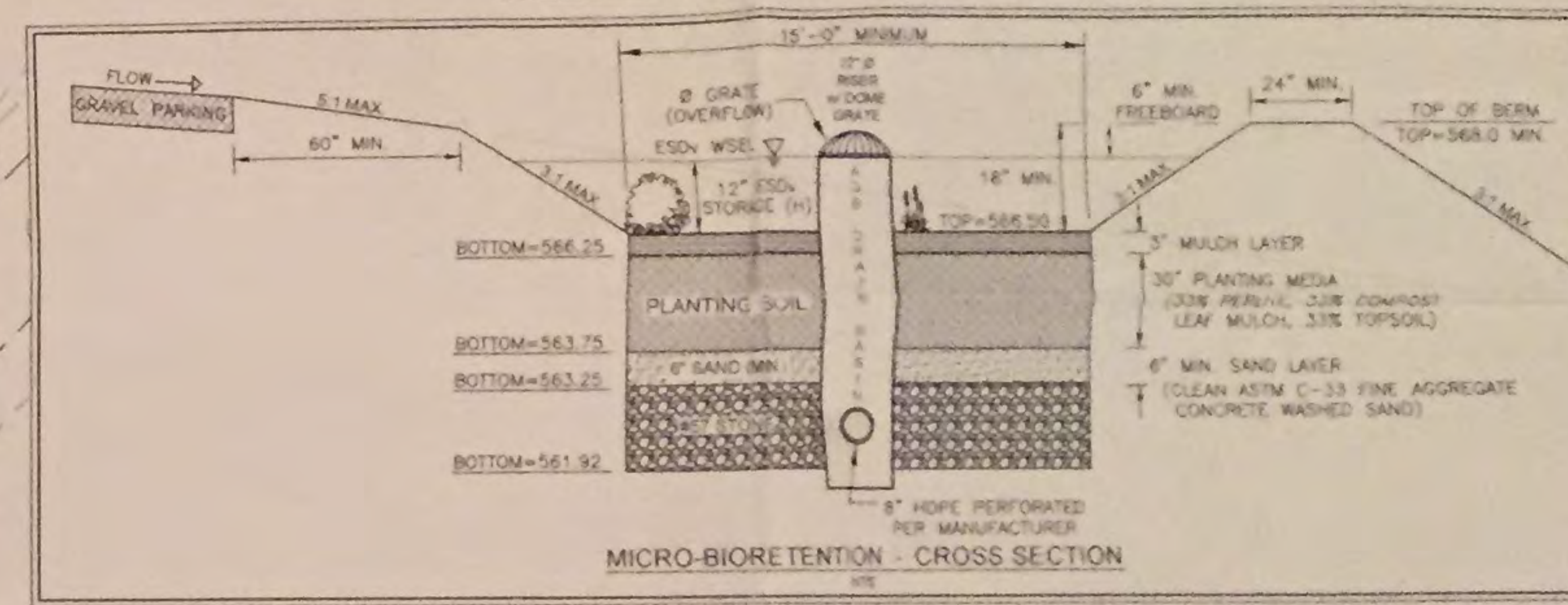
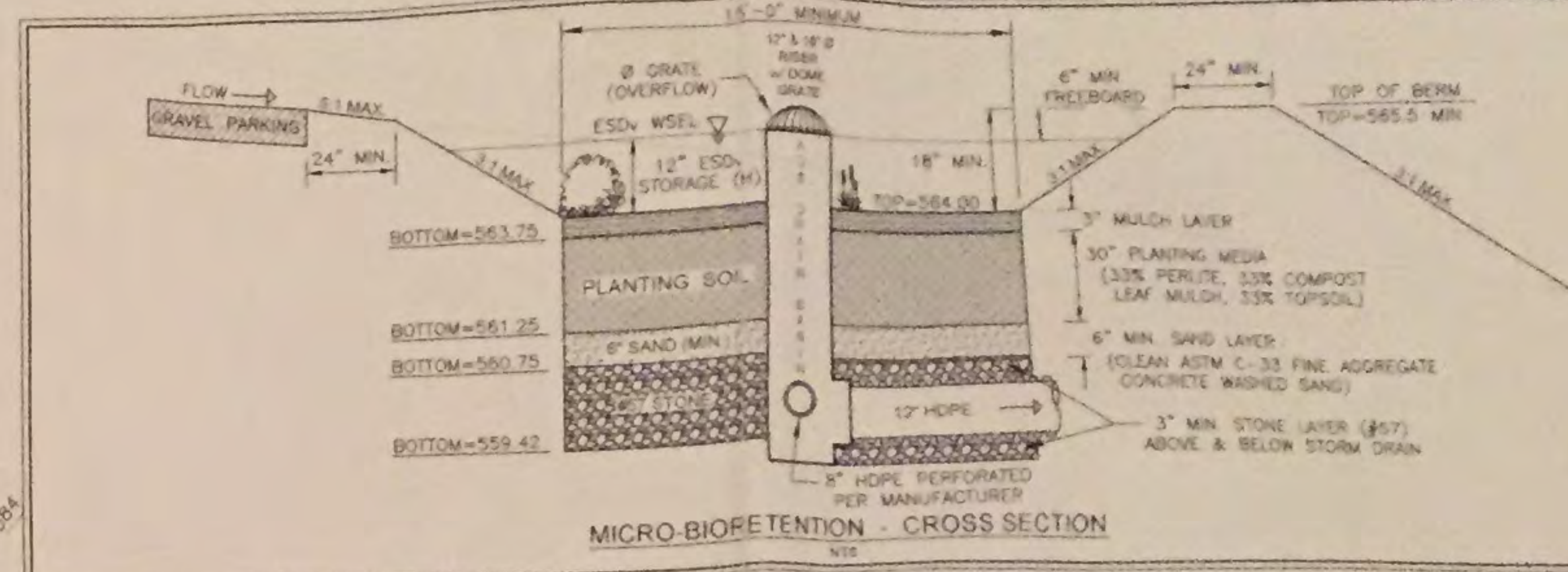
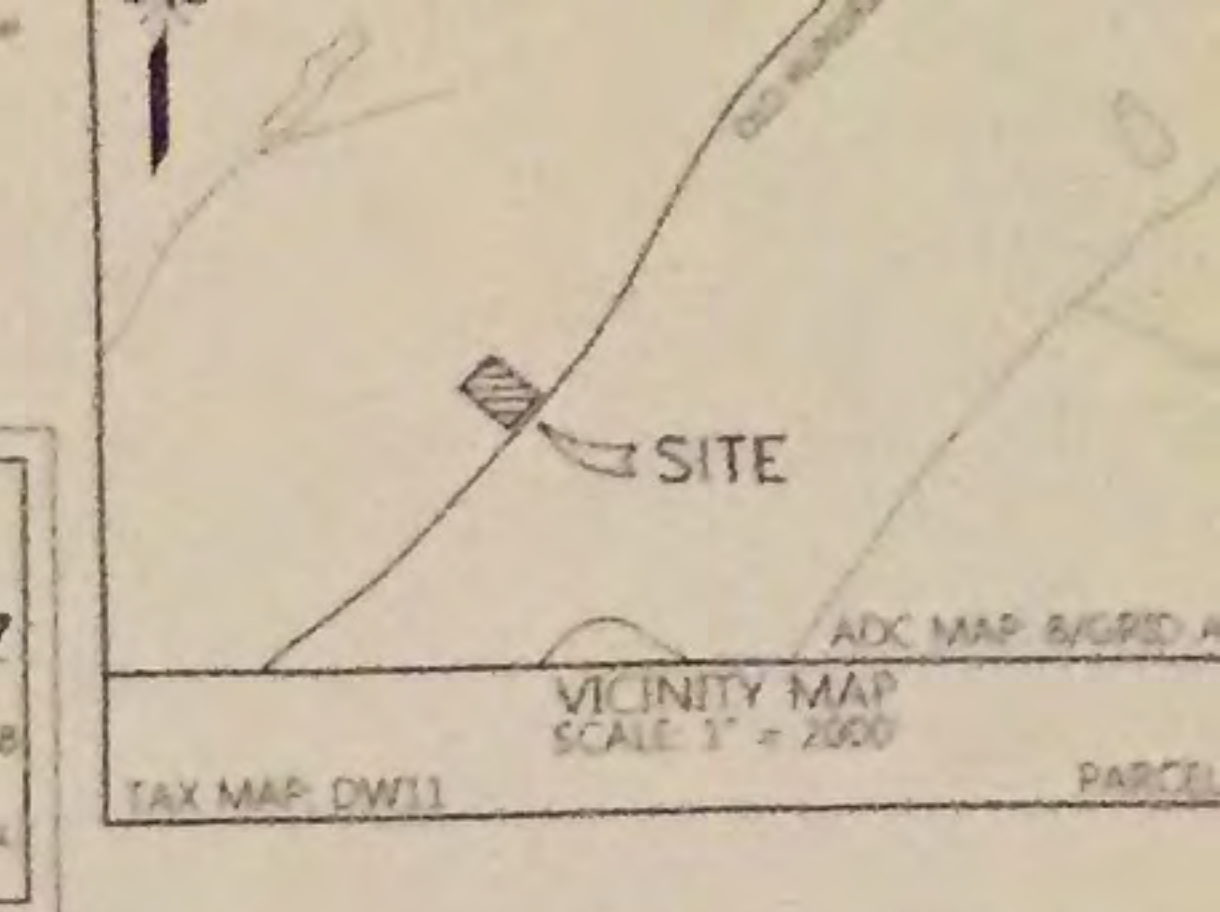
Street View - Jun 2012



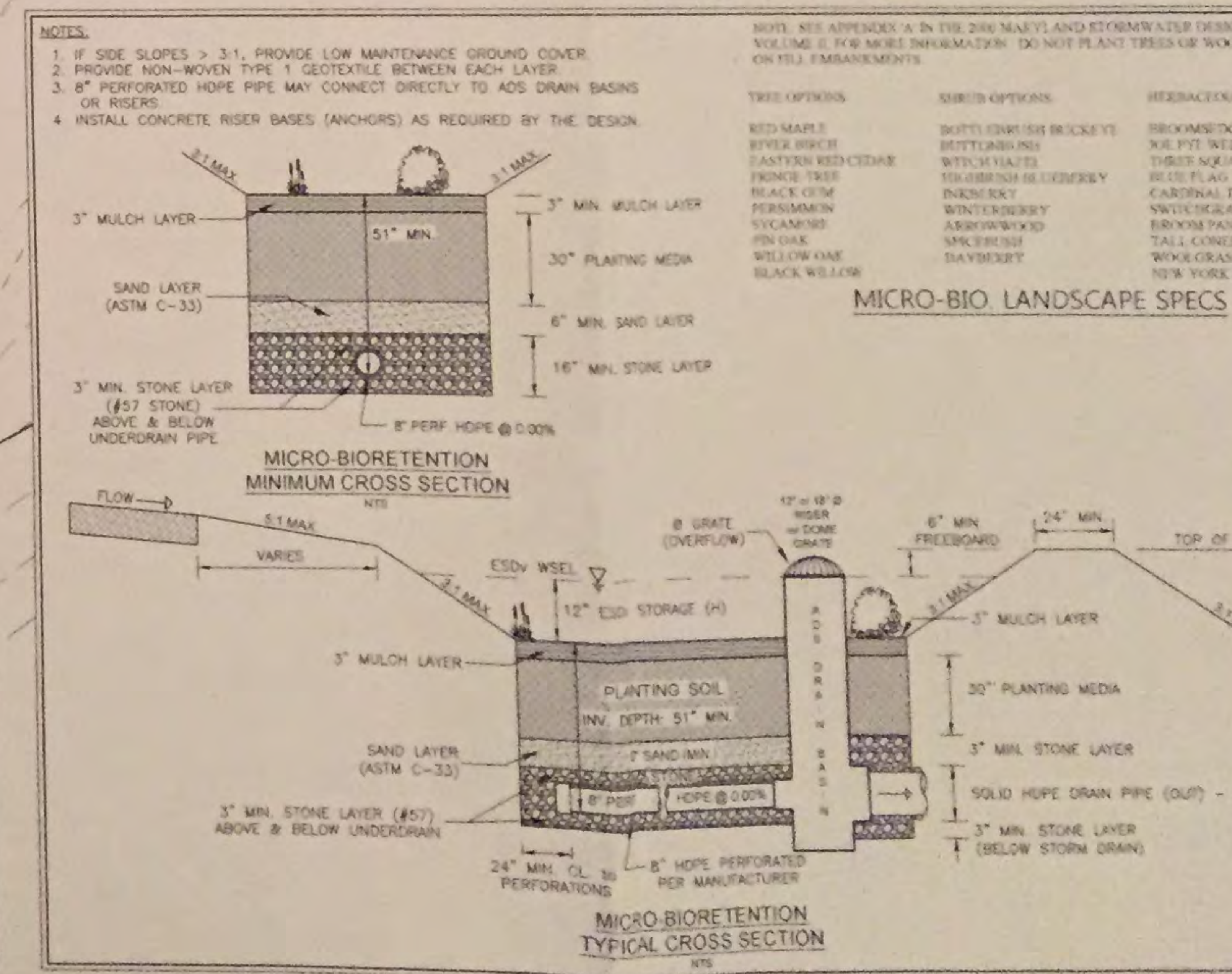
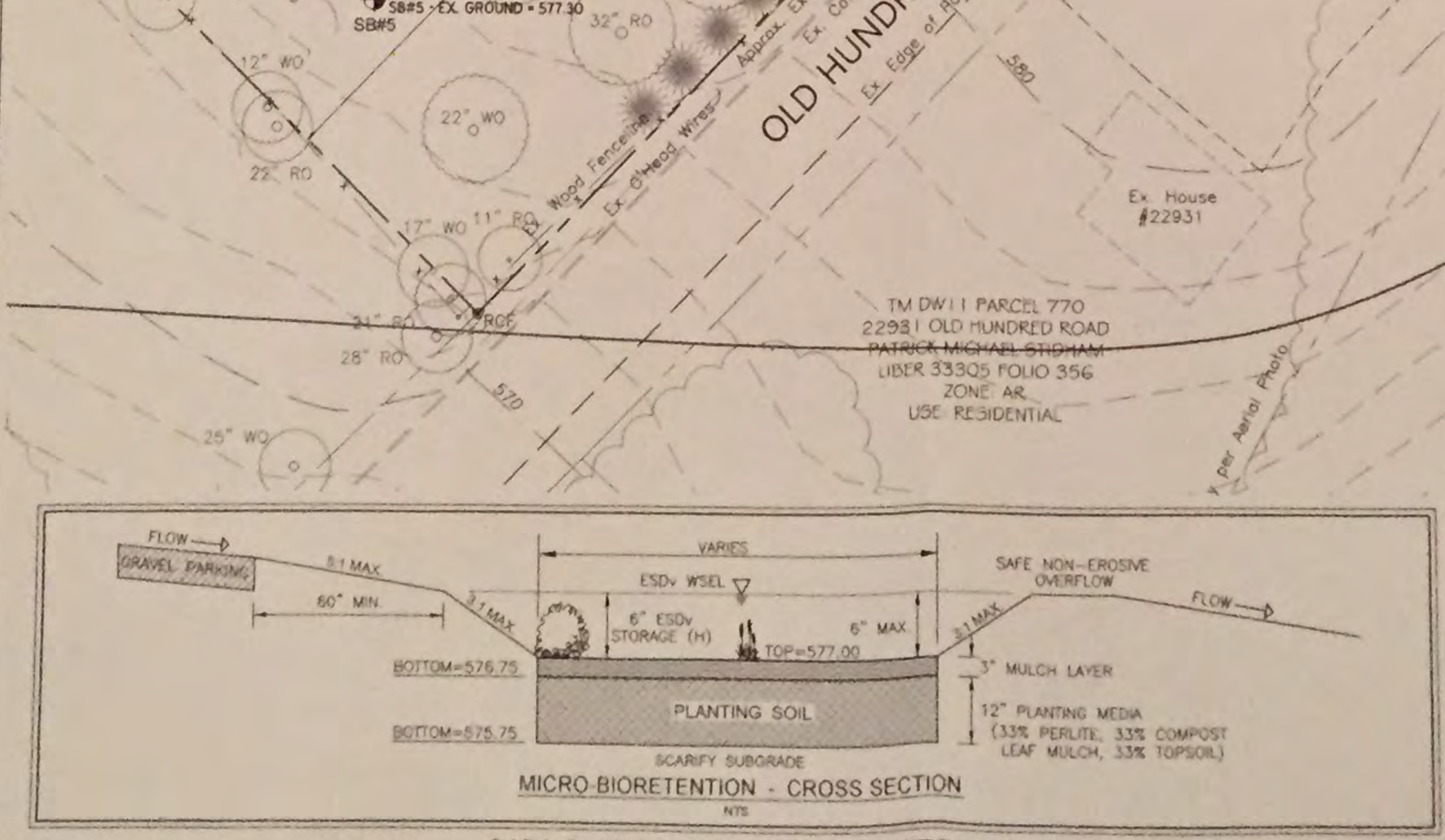
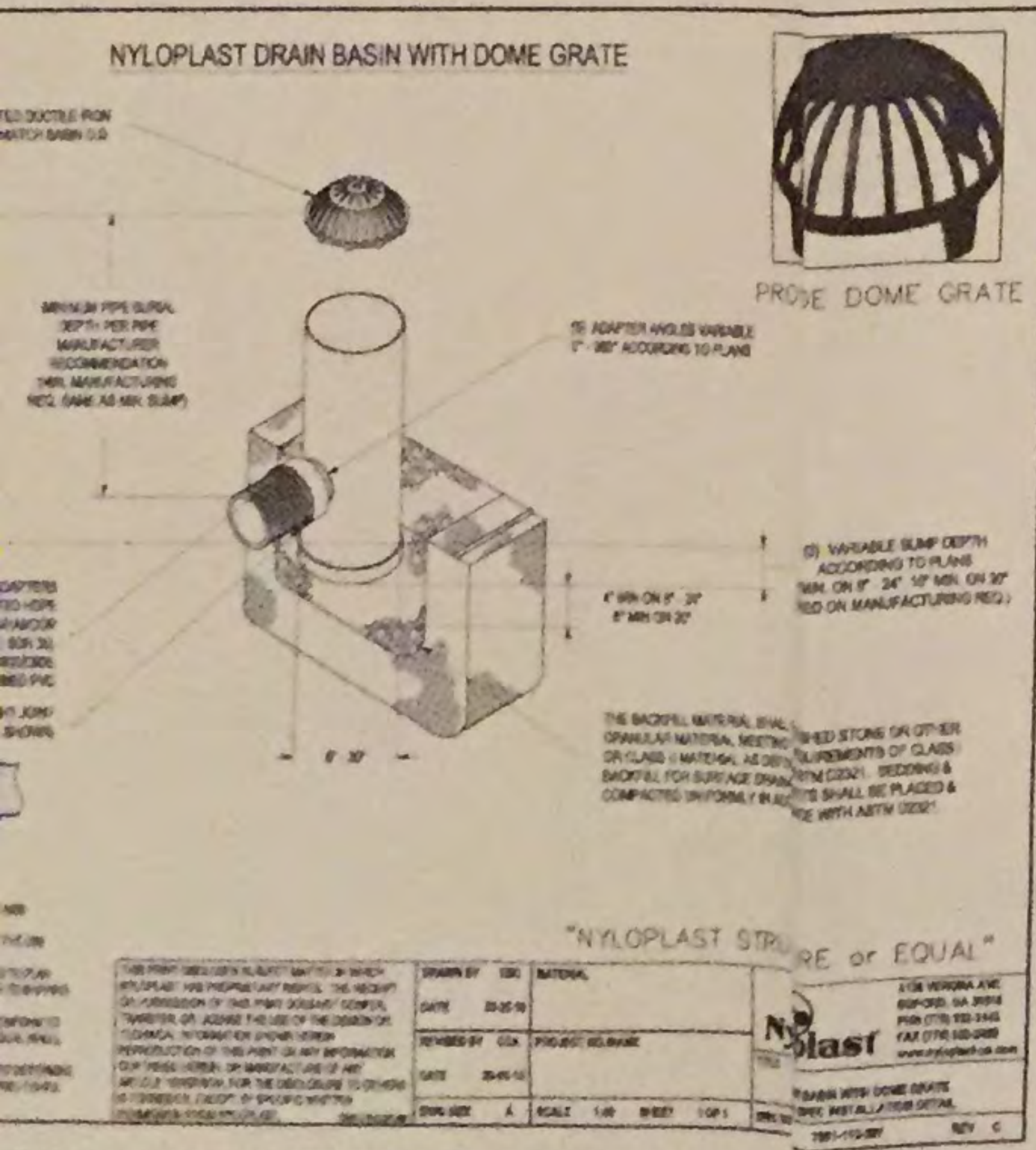


9. There are no wetlands on the property. Source: 10. DNR RTE. The letter was issued on March 6, 2017 and has been included with the redaction of this plan. It is indicated that there are no off-site state or federal records for listed plants or animal species. 11. The property is not located on the border of historical sites. 12. A Tree Diameter Tape was used for measurements. 13. There were no State/County Champion Trees found on the property. 14. Utility locations shown on this plan are based on field survey locations, supplemented with existing available publicly available drawings. Their locations should be considered approximate and should be verified before any site construction begins. 15. The current water and sewer classifications are to be used for the property area. 16. This plan was prepared without the benefit of a File Report. 17. Suits types within the resident property: 18a - Swallow-Blockhouse chimney silt sooms SLOPES 3% - 8% slopes EROSION: Slight (S. Factor = 0.25) Prime Agriculture. Classifications are to be used for HYDRO: No HYDROLOGIC SOCS GROUP: 'C'

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 GERALD LEE MILLER, JR., PE DATE: 5.22.17  
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 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.



TAX MAP DW11 PARCEL 714  
 PROPERTY OF  
 CHAPINGO INVESTMENTS, LLC  
 LIBER 48304 FOLIO 420  
 ZONE: AR  
 DEED AREA = 3 ACRES ±  
 SURVEY = 131,013 S.F. OR 3.0076 AC



**NOTES:**


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

**MICRO-BIO LANDSCAPE SPECS**

TREE SPECIES	SHRUB SPECIES	HERBACEOUS SPECIES
RED MAPLE RYEBIRCH EASTERN RED CEDAR FRANCE TREE BLACK OLM PERENNIAL NYCAMORE PIN OAK WILLOW OAK BLACK WILLOW	SHRUB SPECIES BUTTERNUT BUTTERNUT WITCH HAZEL ENGLISH BLUEBERRY INKBERRY WINTERBERRY ASHBARKED WAXSHRUB DAYBERRY	HERBACEOUS SPECIES BROOMSAGE WEED THREE SQUARE BLUE FLAG CARDINAL FLOW SWITCHGRASS BRYNNE PASTURE TALL CORN WORKGRASS NEW YORK IRON



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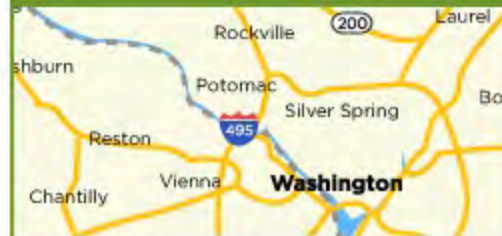
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The dormancy season of the trees is a great time to prune your trees and shrubs because it reduces the stress caused by the heat, some pathogenic agents and the type of pruning practiced, also increases the visual inspection of damage and defects on 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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REPLACEMENTS | CABLING & BRACING | LIGHTING  
PROTECTION | ORNAMENTALS | REISTOGRAPH TESTS

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### 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.



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## 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.



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## 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.



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## 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.



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## 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 compactation.



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## Chapingo Tree Care Specialists

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Dickerson, MD 20842

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Fax: [240.575.9943](tel:240.575.9943)

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**To:** [Penn, Joshua](#); [Pratt, Jamey](#)  
**Subject:** Additional photos Chapingo  
**Date:** Wednesday, May 4, 2022 1:55:21 PM

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**[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



