

Item 11 - Correspondence

From: [Sean Patrick Hughes](#)
To: [MCP-Chair](#)
Cc: [Butler, Patrick](#); [Penn, Joshua](#); [Sean Patrick Hughes](#)
Subject: CU 202207-12120 Prices Distillery Road- Ltr and Attachments to Bd
Date: Saturday, July 2, 2022 2:40:13 PM
Attachments: [image003.png](#)
[2022.07.02 Ltr to Bd-sph-CU 22-07.pdf](#)
[2022.06.XX Planning Board Letter Exhibits.pdf](#)
[2022.07.02 Ltr to Bd-sph-CU 22-07- ex 4 addl.pdf](#)

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

Dear Mr. Chairman and Board Members-

Please accept the attached letter and accompanying exhibits on behalf of my client/applicant on the above noted matter slated as Item 11 on July 7.

We would appreciate a confirmation of receipt and that the items are able to be opened.

Thank you,

Sean Hughes

Sean Patrick Hughes

Attorney



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SEAN P. HUGHES
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July 2, 2022

VIA EMAIL MCP-Chair@mncppc-mc.org

M-NCPPC
Planning Board
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: CU 22-07, Chapingo (Landscape Contractor)-12120 Prices Distillery Road

Dear Planning Board,

Please accept this reply to the May 31, 2022 letter that the Rustic Roads Advisory Committee (RRAC) provided to the Planning Board.

First, we respectfully disagree with the Advisory Committee that the proposed Chapingo Tree Care use is inconsistent with the Rustic Roads Functional Master Plan and would be detrimental to the significant features of the rustic roads. In support of our view, we refer the Board to the words in the **Rustic Roads Functional Master Plan**, which was specifically evaluated by Planning Staff in a recent case, Emerald Landscaping CU 16-09. The Emerald property was located at 25538 Burnt Hill Road, Damascus, less than ½ mile by road and 1/10 a mile as the crow flies from the subject property for CU 22-07. The Emerald case received Planning Staff support in its staff report. Further, the Emerald case involved a 4.74 acre property, 60 employees, development of a vacant property to include a new driveway and driveway apron onto the rustic road, two new buildings and two parking lots. Conversely, Chapingo is housed on a 32+ acre farm that will use 3+ acres in the center of the property, over 1,200 feet off of Prices Distillery Road, with up to 25 staff members and is not proposing any new structures on the farm. **Thus, the Chapingo property is 640% larger than the Emerald property and involves only 42% of the staff as Emerald, which received a positive Planning Staff report of a property a few lots away, including a direct and on point review of the Rustic Roads Functional Master Plan.** The Emerald Staff report directly addressed the question of the Rustic Roads Conceptual Master Plan on page 9 (attached as reference are a few key pages from the 54 page Staff Report and the 272 page Rustic Roads Conceptual Master Plan, **Exhibits 1 and 2**). On Ex. 1, page 9, Planning staff wrote, "The 1996 Rustic Roads Functional Master Plan notes the outstanding farm vistas along Burnt Hill Road (p. 68), but also recognized that a rustic road designation is not intended to affect the use of adjoining land except in the design of access to subdivision (See also, Ex. 2, p.5). Chapingo is NOT subdividing the 32+ acre farm property that it owns and intends to operate 28+ acres for traditional farming purposed along with the 3+ acres for the tree care company operations. And if approved the driveway will be built the minimum width as required by the Fire Marshal and per the most current approved fire access plan (attached as reference, **Exhibit 3**). The Rustic Roads Functional Master Plan says entirely on this topic on Ex. 2, page 5,

The rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision. It is also not intended to prevent needed improvements to adjoining land uses or to the roads and bridges themselves. Because many of these roads are located in the Agricultural Reserve and serve primarily agricultural uses, it is important that their designation as rustic roads not preclude providing adequate roads for the farming community, either for moving farm equipment or getting products to market. Many of these roads already do not meet the needs of farmers for farm machinery and equipment between farms. The Master Plan acknowledges the importance of maintaining agriculture as a viable industry in the County's economy and, for this reason, supports improvements that are necessary to support the business of farming and land use patterns within the Agricultural Reserve now and in the future.

Additionally, for the above noted reasons these roads regularly support large vehicles to/from the area, including but not limited to school buses, coach buses, trash trucks, recycle trucks, snowplows, all kinds of contracting vehicles that serve the area, large farm vehicles, 18 wheelers, pool water trucks, large county vehicles that service the roads and parks for DOT, M-NCPPC, etc., septic trucks, fire trucks, etc.

Second, we will provide a correction to the Board regarding the RRAC claim that our request to be placed on its March 25, 2021 Agenda and review on that date did not involve an incomplete application. The RRAC does not require or have an application form or required materials that must be submitted in order to be reviewed by the RRAC. Applicants often hear from advisory groups and neighbors that they would like to be advised and to review plans before a Conditional Use application is officially submitted to Planning Staff/OZAH. That is exactly what we did here. We decided to communicate early and committed to return upon submittal and acceptance of the Conditional Use application, which we did when we appeared again nearly a year later, on January 22, 2022.

Third, regarding the topic of the driveway. The applicant team worked closely and for months with the County's Fire Marshal office related to obtaining the required approval of fire access to the property. A challenge involved an existing power company pole that is a short distance off of Prices Distillery Road and needed to have appropriate spacing for fire vehicle passing. The good news to report is that the Fire Marshal signed off on a revised access plan that does allow the driveway apron and entrance area to be at the County's minimum width.

The RRAC raised concerns about the John M. King bank barn, a locational atlas designated site. This barn is not part of the conditional use and applicant has no plans to alter the barn related to the farm use. Additionally, the barn sits further than 1,200 feet off of the public roads, is significantly screened by existing landscaping, changing elevations and the larger barn that sits between it and the public road and thus has limited visibility from the road. RRAC also noted it had challenges obtaining the Alteration Building Permit letter applicant had countersigned by County Department of Permitting Services. This letter was noted in applicant's Statement of Justification, (see page 7) and included in the CU application package submission as item #21 per table of contents that was submitted to Planning Staff in the fall of 2021. Additionally, applicant's attorney (the undersigned) communicated regularly with RRAC planning staff support before and after each appearance before the RRAC. Please see attached emails (**Exhibit 4 generally and particularly emails dated 1/28/22 at 1250pm Sean Hughes to Jamey Pratt and Josh Penn (MNCPPC) (labeled 1 at bottom and 7 from end of Exhibit and 4/9/22 at 1053 am Sean Hughes to Darcy Buckley (MNCPPC) (labeled 1 at bottom and 6 from end of Exhibit and)** in which the undersigned provided and/or offered to provide any materials that the RRAC may need. Please note that we never received a request for any materials from RRAC staff pursuant to our communications. We take pride in our ability and desire to work with all involved in a civil fashion and definitely would have supplied a copy of a letter that we had already publicly filed as part of our CU application and which was posted on M-NCPPC DAIC site on February 7, 2022 (**Exhibit 5**). In addition, the RRAC does not post Minutes regularly and the DRAFT minutes that Planning Staff supplied to applicant to help prepare for

the April 2022, RRAC meeting made NO reference of a desire or need for the Alteration Permit letter. This notation to the Minutes was not added until after the April 2022 meeting. (See again the Emails between the undersigned and RRAC staff).

Regarding the question involving the 30,000 pound weight limited bridge in the area on Burnt Hill Road, the applicant, as the RRAC noted, offered to commit that none of its large trucks would use said bridge. This is not a logistical issue as the subject property has two routes to reach it (see attached aerial **Exhibit 6**). In fact, this issue was also addressed in Emerald CU 16-09 via Condition of Approval # 8 and which Chapingo believes is likewise fully applicable and appropriate here as well. Thus, the applicant would accept language similar to COA #8 in Planning Staff's report for Emerald case, p. 2, which was,

All vehicles with more than four wheels that are associated with the Applicant's business, including those belonging to employees, must gain ingress and egress from Prices Distillery Road. Vehicles with four wheels (with or without trailer) may use the Burnt Hill Road bridge. All delivery vehicles must gain ingress and egress from Prices Distillery Road; their drivers must be advised of the bridge restriction by the Applicant.

Last, RRAC references some allegations from over 5 years ago related to a former property owned by applicant. The applicant was never advised of these or asked to respond to them by the RRAC. Not in 2017 nor in 2021, 2022 or at any of the three RRAC meetings we attended. Any such allegations are just that and are not relevant here, other than as an attempt to unfairly disparage the applicant.

For all the above noted reasons, we respectfully request that Planning Board give due consideration to this letter related to its CU application. For additional context, we are including an email (See attached **Exhibit 7**) with Planning staff that shares key data about the width and breadth of designated Rustic Roads in the County. According to Planning staff the County GIS shows that there are over 191 miles of rustic roads with 68 out of the 99 existing rustic roads being within or adjacent to the AR zone.

Thank you.

Sincerely,

MILLER, MILLER & CANBY


Sean P Hughes

Attachments



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item No.
Date: 03-24-2016

Emerald Landscaping Corporation CU-16-09

<i>ET</i> Elsabett Tesfaye, Planner Coordinator, Area-3	Elsabett.Tesfaye@montgomeryplanning.org	301-495-1301
<i>RAW</i> Richard Weaver, Supervisor, Area-3	Richard.Weaver@montgomeryplanning.org	301-495-4654
<i>KRR</i> Kipling Reynolds, Division Chief, Area 3	Kipling.Reynolds@montgomeryplanning.org	301-495-4575

Completed: 03-11-2016

Description

Emerald Landscaping Corporation CU-16-09

Request for a Conditional Use approval of a landscape contractor business, located at 25538 Burnt Hill Road approximately 2,000 feet south of its intersection with Prices Distillery Road, 4.74 acres, identified as Lot-2, Burnt Hill Estates, A R Zone, 1982, Damascus Master Plan Area, as amended in 1985.

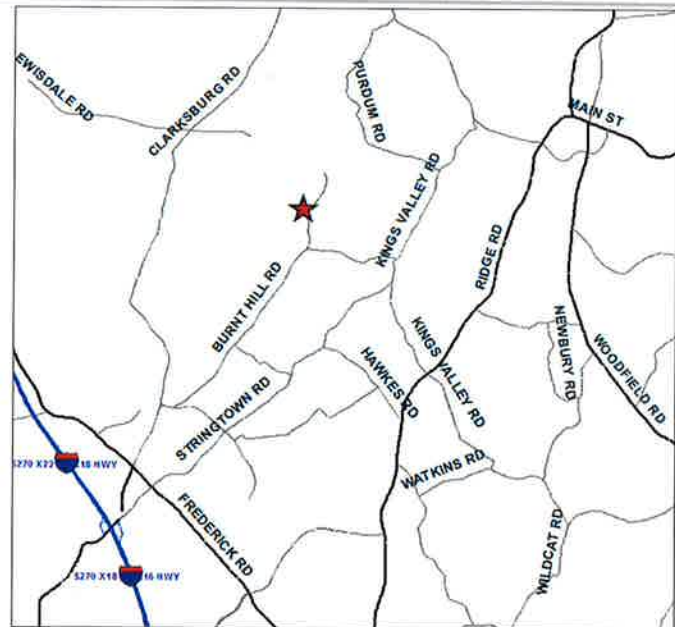
Staff Recommendation: Approval with conditions

Application Filed: December 10, 2015

OZAH Public Hearing: April 8, 2016

Planning Board Hearing: March 24, 2016

Applicant: Emerald Landscaping Corporation



Summary

- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of a landscape contractor business Conditional Use (**Section 59. 3.5.5**) of Montgomery County Zoning Ordinance and the applicable development standards under the Agricultural Reserve Zone (**Section 59. 4.2.1**)
- The subject use is consistent with the recommendations of the *1982 Damascus Master Plan, as amended in 1985* and compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise or environmental issues associated with the application provided that the recommended conditions are satisfied.
- The application is in compliance with the Montgomery County Planning Board Environmental Guidelines.

SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVALS

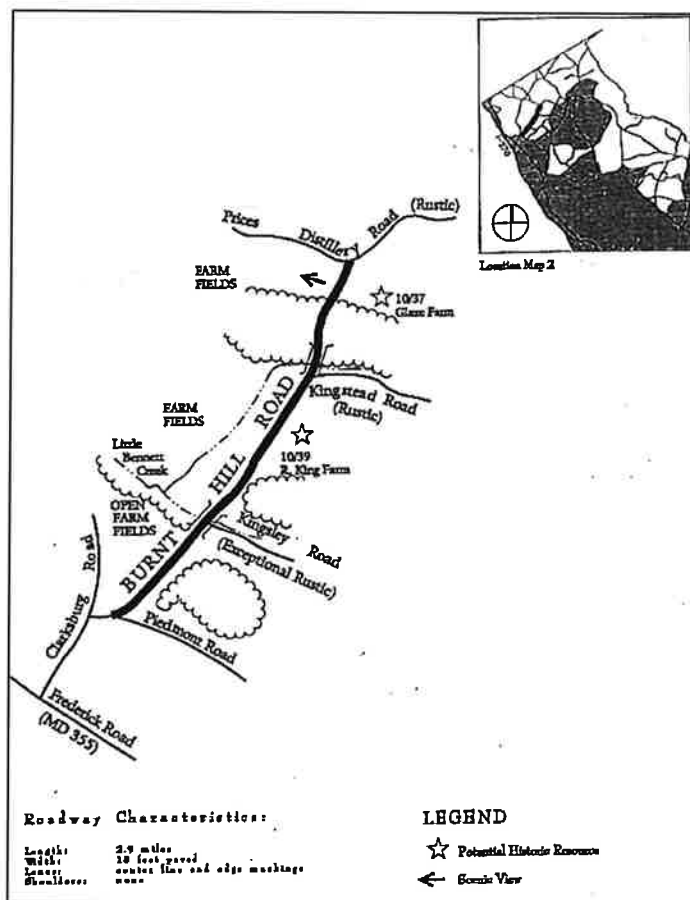
Staff recommends approval of CU-16-09 subject to the following conditions:

1. The maximum number of employees must not exceed 60.
2. The hours of operation must be Monday through Friday 5:45 a.m. to 6:45 p.m., and Saturday 8:00 a.m. to 3:00 p.m. Snow removal may be provided when needed seven days a week, 24 hours a day.
3. The Number of trucks and trailers for the proposed use are limited to a maximum of 21 trucks, and 14 trailers (non-dumping).
4. No mulch/compost manufacturing operation shall be conducted on the property.
5. Landscaping must be planted in accordance with the Landscape & Lighting plans dated March 3, 2016, unless amended by the hearing examiner.
6. Before the Hearing Examiner's hearing in this matter, the Applicant must propose a sign design that is no more than six (6) square feet (2 ft. by 3 ft.). in size. The Applicant must obtain a sign permit for the proposed free standing sign. A copy of the sign permit obtained from the Montgomery County Department of Permitting Services (MCDPS) must be submitted to the Hearing Examiner before the sign is installed on the property.
7. The lighting plan must be amended to indicate that all outdoor lighting will utilize motion sensor/dimming technology so that lights are dimmed when no motion is detected on the site.
8. All vehicles with more than four wheels that are associated with the Applicant's business, including those belonging to employees, must gain ingress and egress from Prices Distillery Road. Vehicles with four wheels (with or without trailer) may use the Burnt Hill Road bridge. All delivery vehicles must gain ingress and egress from Prices Distillery Road; their drivers must be advised of the bridge restriction by the Applicant.
9. Prior to approval of the access permit for this property, the Applicant shall obtain MCDOT's approval of the Sight Distances Evaluation certification form and shall install any necessary advance notice to motorists (including but not limited to signs and markings) as approved by the MCDOT Division of Traffic Engineering and Operations.

farmland". The Property is located in an outlying area away from the center of Damascus, and is proposed for a landscape contractor use that is rural in nature and characteristics. Viewed from Burnt Hill Road, the perception of the operation will be one of significant green space and landscaping, as well as storage of plant and hardscape materials, with buildings that are rural/agricultural in style. Therefore, while the use itself is not one of farming or agriculture, its appearance has been designed to be consistent with the surrounding area's rural nature. Staff believes that the subject Conditional Use is compatible with the existing rural/agricultural character of the surrounding area.

Rustic Road

Figure 5: Burnt Hill Road-A Rustic Road



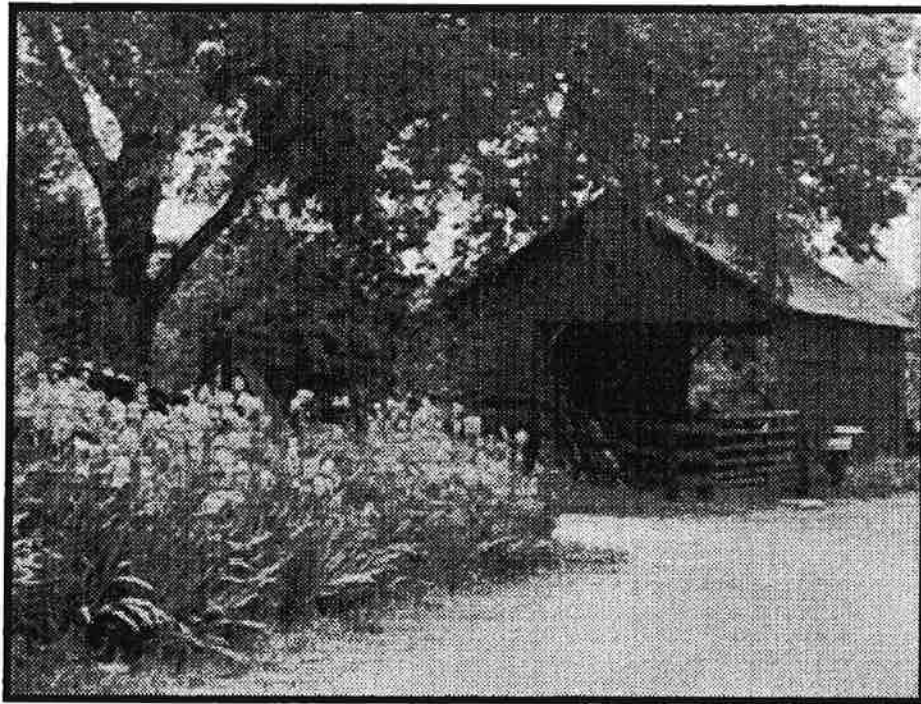
Burnt Mills Road is a designated Rustic Road and identified as such in the 1996 Approved Rustic Roads Functional Master Plan. The 1996 Rustic Roads Functional Master Plan notes the outstanding farm vistas along Burnt Hill Road (p. 68), but also recognizes that a rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision (p. 5). The Applicant has indicated that the decision to acquire the subject property, Lot-2, rather than the adjoining property Lot-3 that was originally considered, is based on a suggestion provided by the Rustic Road Advisory Committee (RRAC) when the case was presented to the RRAC in April, 2015 (Attachment C-1). The RRAC felt that Lot-2 is more tucked away from Burnt Hill Road, so uses on the property would be less visible than they would be on Lot 3 and would therefore be more in keeping with the intent of the Rustic Roads Functional Master Plan's

objectives. The Applicant believes that the RRAC was generally supportive of the Project. A follow up meeting between the Applicant and RRAC was held on the evening of February 29 2016. Staff has not received an official letter from the RRAC detailing the discussion, issues, and resolutions. However, based on observation relayed by a Planning Department Staff member who attended the meeting, and after further analysis of the properties location in relation to Burnt Hill Road, Staff recommends additional measures to be employees with regards to the size of the proposed sign, the types of indoor lighting, and ingress and egress to the site. (see discussion in SECTION IV- 59.7.1.E 1.g)

Approved and Adopted

Rustic Roads

Functional Master Plan



December 1996

The Maryland-National Capital Park and Planning Commission
The Montgomery County Department of Park and Planning
8787 Georgia Avenue, Silver Spring, Maryland 20910-3760

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The Task Force Report identified an exceptional rustic road as one "having such unusual and pleasing character as it exists today that preservation of the road in its current state is highly desirable. The road has special characteristics which contribute significantly to the rural, scenic, or historic features of Montgomery County and might lose these specific characteristics if improved or widened." The rustic and exceptional rustic roads are defined in legislation in accordance with criteria which must be met before a road can be so designated. The original legislation establishing the Rustic Roads Program and the subdivision regulation concerning the Rustic Roads Program, adopted in 1993, are found in Appendix A.

When the County Council adopted the legislation (Bill 20-92) and the subdivision regulation (Ordinance 12-31), it also adopted an Interim List of Rustic Roads with a sunset date of December 31, 1996. This list is found in Exhibit A of the Subdivision Regulation. That list is the list prepared by the task force and also includes several roads which the Council was asked by local residents to include on the list. The Council did not evaluate the roads for appropriateness when the Interim List was adopted. That task was left for this planning effort.

Most of the roads on the County Council Interim List are located in the Study Area. A list of these roads can be found in Appendix B. Figures 2 and 3 show those roads in the Study Area which are on the Interim List. Each of the roads on this list was reviewed. Many of them are recommended for designation as rustic roads but fewer are recommended for designation as excep-

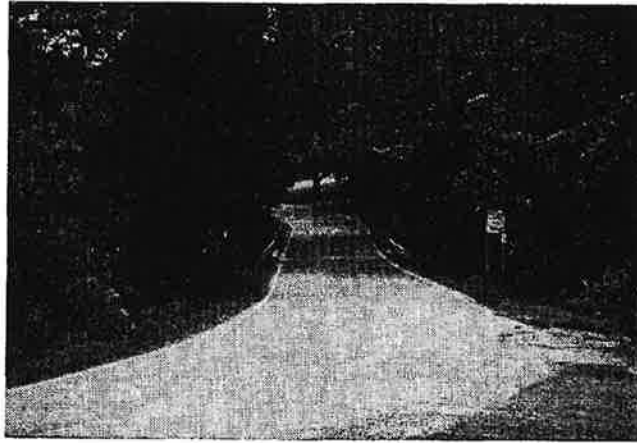
tional rustic than were on the Interim List for that designation.

This Master Plan recommends 66 roads for designation as rustic or exceptional rustic. Twelve of these roads are recommended for classification as exceptional rustic roads. Four of the Lock roads in the Potomac Subregion (included in the 66 above) are recommended as rustic roads and one as an exceptional rustic road. This Master Plan also recommends removing the sunset date from the Interim List of Rustic Roads and adding four roads to the Interim List.

The rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision. It is also not intended to prevent needed improvements to adjoining land uses or to the roads and bridges themselves. Because many of these roads are located in the Agricultural Reserve and serve primarily agricultural uses, it is important that their designation as rustic roads not preclude providing adequate roads for the farming community, either for moving farm equipment or getting products to market. Many of these roads already do not meet the needs of farmers for farm machinery and equipment between farms. The Master Plan acknowledges the importance of maintaining agriculture as a viable industry in the County's economy and, for this reason, supports improvements that are necessary to support the business of farming and land use patterns within the Agricultural Reserve now and in the future.

Burnt Hill Road

A Rustic Road



Burnt Hill Road has outstanding farm vistas.

Recommended as a *rustic road*.

Significant Features:

- The bridge at Kingsley Road is a white concrete bridge with a weight limit of 15 tons.
- Gently curving road with rolling elevation changes

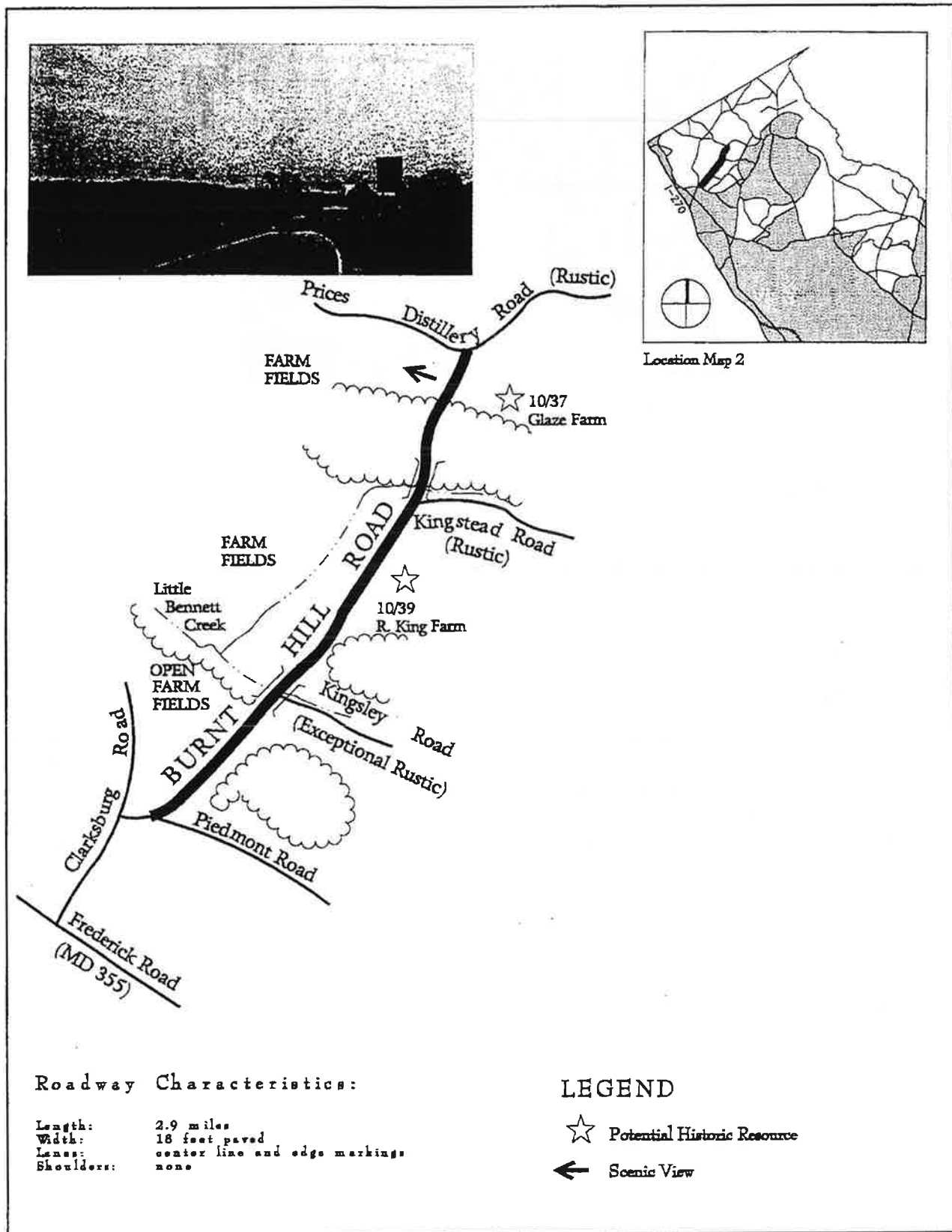
History:

Established between 1865 and 1879, according to maps.

Driving Experience:

Driving south to north from Piedmont Road, Burnt Hill Road offers views across hills, cultivated fields, and farmsteads. The road is relatively wide and marked with a center line. A forest area is on the right. Most of the houses appear to be mid-to-late 20th century. Around the first curve, the view on the left opens to a red barn, a beautiful house backed by a hillside of trees and fronted by a large farm pond. Then the road dips to intersect with Kingsley Road (an exceptional rustic road) on the right and cross a small white concrete bridge over the adjacent stream. The guard rail has been placed in many sections of the road. A red barn with painted windows is on the left. The Rufus King farm is on the right. This farm was established by 1865. The frame house and bank barn are close by the road. The road then rises to intersect with Kingstead Road (a rustic road) on the right and drops to cross another small bridge. The road then rises through the tree canopy to emerge to an open view on the left and ends at Prices Distillery Road (a rustic road).

Figure 25



MNCPPC

Exhibit 3



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 03-Apr-22
TO: Gerald Miller
Daft-McCune-Walker, Inc.
FROM: Marie LaBaw
RE: Chapingo Landscape Contractor CU
12120 Prices Distillery Road

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Apr-22**. 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.

***** Water supply requires DPS Fire Protection System permit *****

***** 5/31/2022 Amendment: driveway revision *****

Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

"Solutions through experienced Engineering"

5216 Chairmans Court, Suite 105
Frederick, Maryland 21703-2881

Phone: 301-378-9842

Fax: 301-378-9849

May 31, 2022

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

Re: Chapingo Investments, LLC
Modified Site Entrance Design
Professional Engineers Certification
Sited 12120 Prices Distillery Road
Montgomery County, Maryland

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: SAC FM: 43 DATE: 5/31/2022
original 4/3/2022

Hello Dr. LaBaw:

Pursuant to your email request dated May 20, 2022, please find attached our Modified Site Entrance Design for the referenced project. Said plan demonstrates that a portion of the existing millings and pavement at the property entrance can be removed, while still maintaining adequate fire access to the property for the Montgomery County Department of Fire & Rescue Services (DFRS) emergency equipment. The existing driveway materials shown as proposed for removal, at the edges of the existing driveway entrance, exceed the requirement for safe and adequate fire apparatus access, according to the DFRS Modified Driveway Guideline (Type B) as provided by the DFRS.

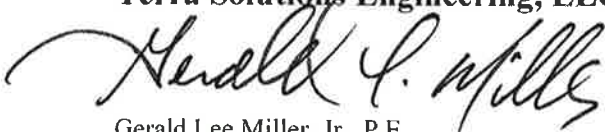
Another consideration for the proposed entrance modification is the location of the existing utility pole, found on-site approximately 84-feet from the Prices Distillery Road edge of pavement. Currently the driveway divides around the pole with a minimal ten-foot (10') wide access on the north side and a twenty-foot (20') wide access on the south. The proposed driveway alignment after the material removal, will maintain only the twenty-foot (20') wide two-way access on the south. This will help to reduce confusion with the limited emergency vehicle access of the property.

TSE feels comfortable certifying that the Modified Site Entrance Design and proposed access configuration continue to meet or exceed the requirements of the Montgomery County Executive Regulation [Fire Safety Code #8-16] Section: 18.2.3.4.4.2 for "Fire Department Apparatus Access Requirements: surface, load-bearing, & clearance".

Thank you for your continued assistance, and please reply that this access modification request is acceptable for DFRS approval.

Sincerely,

Terra Solutions Engineering, LLC



Gerald Lee Miller, Jr., P.E.
(MD P.E. # 21401)

Professional Engineers Seal



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: *SAC* FM: 43
original 4/3/2022

DATE: 5/31/2022

Existing Millings/Pavement
(To Be Removed and Replanted)
per discussion at the April 2022
Rustic Roads Advisory Commission
Hearing

TM EX62 P. 100
WALKER TRUST
L. 61067 F. 009
ZONE: AR
USE: AGRICULTURE

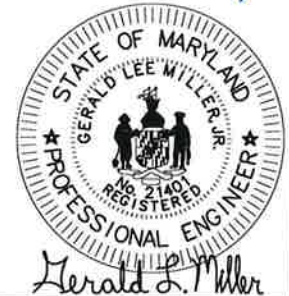
PRICES DISTILLERY ROAD
S65° 40' 43" E 296.45'

Existing Entrance (Millings)
provides excellent
Emergency & Fire Access

TM EX52 P. 465
ROBIN J. SKINNER
L. 50140 F. 181
ZONE: AR
USE: AGRICULTURE

NOTE: The final site entrance configuration must meet or exceed the DFRS Modified Residential Entrance Guideline Dimensions as presented by the Montgomery County Fire Marshall's Office.

PROPERTY OF
CHAPINGO INVESTMENTS, LLC
LIBER 59114, FOLIO 146
32.6987 AC.
ZONE: AR
USE: AG



PROFESSIONAL ENGINEER'S CERTIFICATION

SIGNED BY: *Gerald L. Miller* DATE: 5/31/22
GERALD LEE MILLER, JR., PE
MD LICENSE No.: 21401, P.E. EXPIRATION DATE: 11-09-22
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.

EXHIBIT of
MODIFIED SITE ENTRANCE DESIGN
FOR CHAPINGO INVESTMENTS, LLC
(12120 PRICES DISTILLERY ROAD)
LIBER 59114, FOLIO 146

ELECTION DISTRICT No. 2
MONTGOMERY COUNTY, MARYLAND

Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering
5216 Chairmans Court, Suite 105 Phone: 301-378-9842
Frederick, MD 21703
Email: TerraSolutionsEngineering@gmail.com

NOTES

- 1) PLAN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- 2).

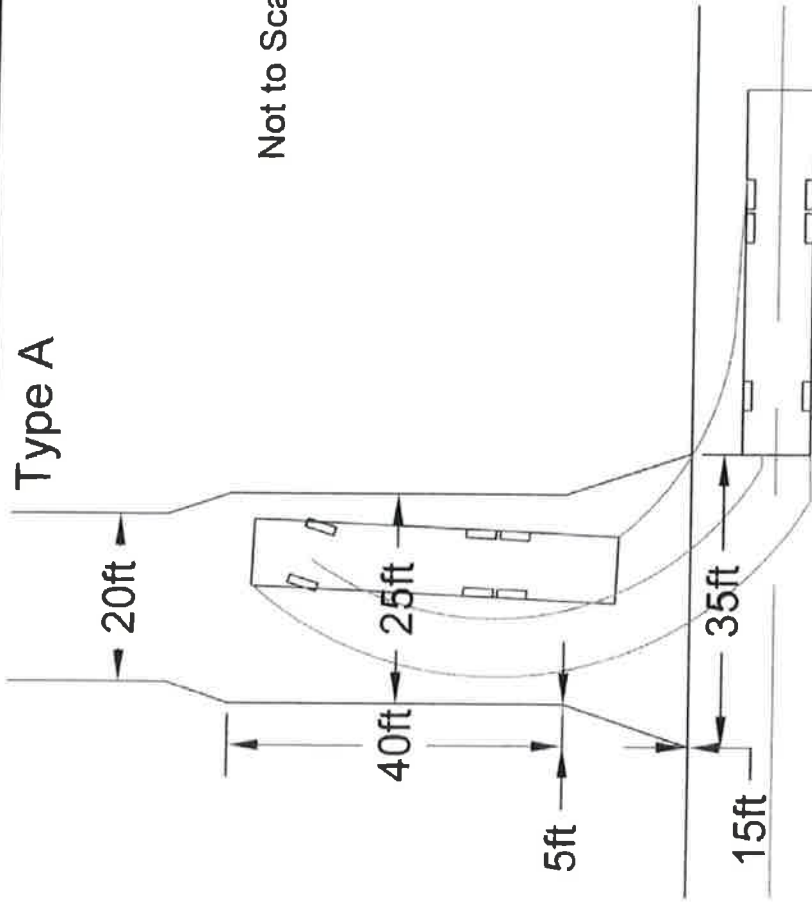
SCALE: 1" = 50'

DRAWN BY: GLM

PROJECT No.: 0252

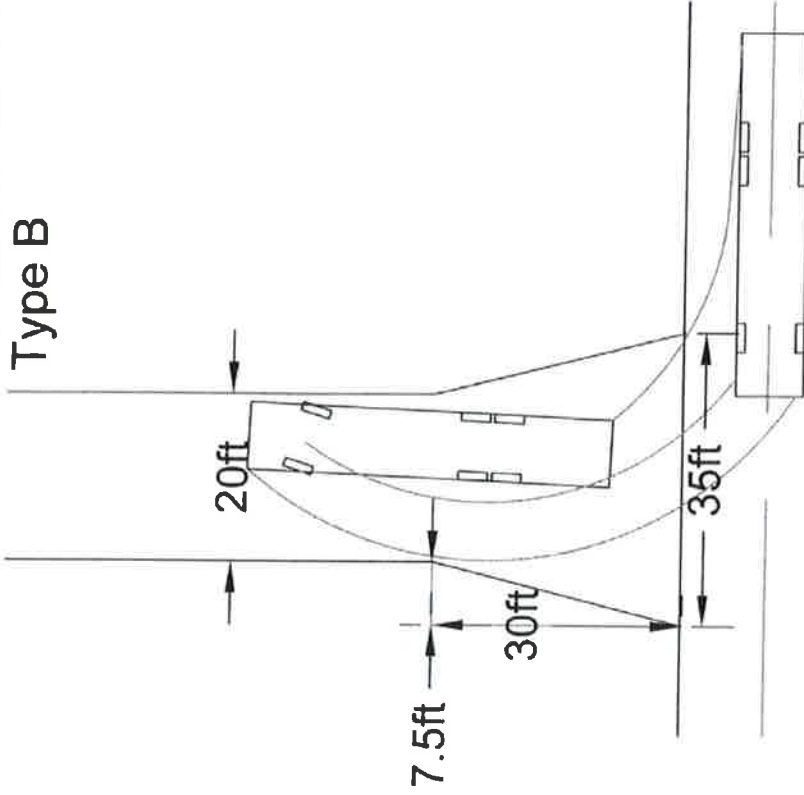
DATE: MAY 30, 2022

Type A



Not to Scale

Type B



Notes:

1. These types of modified driveway aprons may possibly be approved when the existing roadway width and a standard apron would not accommodate the acceptable turning radius required for DFRS equipment.
2. These modified residential driveways are NOT ALWAYS permissible and will be reviewed on a case by case basis.
3. The modified driveway will need DFRS approval. Contact DFRS on 240-777-2457
4. Pavement section should be in accordance with MCDOT standard residential driveways.



DFRS MODIFIED RESIDENTIAL DRIVEWAY GUIDELINE

Approved
Date 3/22/2016

Office of the
Montgomery County
Fire Marshal

Sean Patrick Hughes

From: Sean Patrick Hughes
Sent: Friday, March 26, 2021 12:27 PM
To: Campbell, Lauren
Cc: Sean Patrick Hughes
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi Lauren-

Thanks again for helping us get on the Agenda last night before Rustic Roads Advisory Committee.

Sorry about my tech challenges at the beginning and then my re-joining. I guess I missed the intro and such by the Committee Chair or you.

Are you able to tell me what the ground rules laid out by the committee were last night or typically? I want to make sure I properly prepare for them for our re-visit down the road on this one (and on another project I may bring to you soon).

Also- can you provide lists of which Committee members attended (it is hard for me on zoom to recognize who is member and who is public) and which members of the public attended and/or spoke?

Lastly, would appreciate copies of any docs filed by neighbors with the Committee. I know some pictures were sent that were shown-but if any other docs or emails, letters, etc. that are thus part of public record.

Enjoy the weekend-

Sean

Sean Patrick Hughes
Attorney



CLIENT FOCUSED. RESULTS DRIVEN.

200-B Monroe Street ▪ Rockville, MD 20850
T: 301.762.5212 ▪ F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Sent: Tuesday, March 23, 2021 7:27 AM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi there Sean – The Committee would like someone from the Applicants Team in attendance to this Thursdays' evening meeting. Once the agenda is finalized I will send over to you. The agenda will also include the Zoom meeting code.

Normally, they want a brief overview of the project, operations and how it will impact the rustic road.

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Friday, March 19, 2021 11:26 AM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Thanks Lauren.

Enjoy your weekend-

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 • F: 301.762.6044

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From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Sent: Friday, March 19, 2021 11:25 AM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

I actually just asked them if you are needed in attendance maybe 10 mins before you sent this email over 😊

Thank you for the supplemental information, I will forward to the Committee and will let you know if your attendance is needed once I hear back.

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department
2425 Reddie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, March 19, 2021 11:19 AM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Happy Friday Lauren-

1. I was hoping to supplement our materials to the Committee to include the following, if you so recommend passing it along:
 - Site Distance Certification from civil engineer on the project –which shows great site distances in both directions
 - DRAFT LAT-which I expect our traffic engineer to supply/file today or early next week with MNCPPC staff (maybe that goes to you, Chris V.A. or others)
2. Lauren- Would you expect to know early next week if we will be asked or need to attend the Committee's virtual meeting on the 25th and if so, will zoom instructions be supplied or should we find them on the website?

Thanks,

Sean

Sean Patrick Hughes
Attorney



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From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Wednesday, March 17, 2021 6:05 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Lauren-

My apologies-I forgot to include all of the attachments below.

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 * F: 301.762.6044

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From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Wednesday, March 17, 2021 5:58 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Hi Lauren-

Please find the below and attached info related to a project our firm is working on (preparing to file a Conditional Use for Landscape Contractor under 59.3.5.5.) at 12120 Prices Distillery Road, Damascus, MD 20872 for our client and recently purchased owner (2/25/20), Chapingo Investments LLC

1. Cover Letter
2. SDAT page for property
3. DRAFT Site Plan from engineer on project, Terra Solutions Engineering.
4. Aerial Photo of property (P595) and area.

Upon review, please confirm receipt and if questions or you need additional information for the Rustic Roads Committee to review this project.

Thank you,

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 • F: 301.762.6044

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From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Sent: Wednesday, March 10, 2021 3:47 PM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Hi Sean – Thanks for following up! Yes, it did get buried in my email.

There is no set deadline for getting in the information, but of course the sooner the better to give the Committee enough time to review. If you plan on getting on the 3/25 agenda – please attempt to send me the materials by Friday, March 19th so I can forward to the Committee and request for the Application to be on the Agenda.



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department
2425 Reedy Drive, Wheaton, MD 20902
Lauren.Campbell@montgomeryplanning.org
o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDY DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Wednesday, March 10, 2021 3:42 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

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

Hi Lauren-

I wanted to follow up on my below email-as guessing it may have got buried in your email.

Thanks,

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 • F: 301.762.6044

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From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, March 5, 2021 4:48 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Hi Lauren-

I wanted to get your guidance if there is an official or unofficial deadline to provide info to be reviewed on the Rustic Road's monthly meeting?

We might be ready to provide info on one of the projects we have- this month (or maybe in April).

Thanks and have a nice weekend,

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 • F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Sean Patrick Hughes
Sent: Thursday, February 18, 2021 12:05 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Thanks for the reply and guidance Lauren!

We will be back in touch soon regarding these matters.

Sean

Sean Patrick Hughes
Attorney



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200-B Monroe Street * Rockville, MD 20850
T: 301.762.5212 * F: 301.762.6044

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From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Sent: Tuesday, February 16, 2021 3:17 PM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Hi Sean,

Thank you for reaching out! We appreciate the early coordination with the Rustic Road Advisory Committee (RRAC).

Just a brief background, the program is under **Sec. 49-76** and is set in place to ensure these charming roads are maintained and improved in a manner that preserves the roads significant features.

For **next steps**, feel free to email me over any plans or sketch designs that you have that I can share with the RRAC. The Committee will review and decide whether it is best to either a.) Do a site visit to assess the significant features and provide any comments *-or-* b.) The Applicant Team will attend one of the RRAC monthly meetings, that are held on the 4th Thursday of each month at 6:00pm (currently via Zoom) to discuss details of the Application and the RRAC committee will provide their comments.

Timeline Depending where the Applicant is on their project timeline, feel free to request to be put on the agenda on a date that works for the project schedule. Below are the upcoming dates:

- February 25
- March 25
- April 22
- May 27

After you meet with the RRAC, the Committee will write a letter in support of (or not) of the project and next steps that the Applicant will need to complete in order to get a favorable opinion from the Committee.

Hope this helps. If you need more information, feel free to throw out some times for us to chat.

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Sunday, February 14, 2021 11:05 AM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: FW: rustic roads

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

Hi Lauren-

Per below Elsabett was kind enough to direct me to you.

Jody and I have 2 newer matters that will be Conditional Use applications (one for a Landscaper Contractor and the other for animal boarding and care) that we believe are both on Rustic Roads.

Would you have time to talk on the phone this coming week with me and/or provide some guidance about recommended next steps, timing and materials that I will want/need to supply to you and Rustic Roads Committee in order to have dialogue and review of our request?

Thanks very much,

Sean

Sean Patrick Hughes
Attorney



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From: Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>
Sent: Monday, February 8, 2021 10:54 AM

To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: Re: rustic roads

Hi Sean,
It is Lauren Cambell.
Below is her email address
lauren.campbell@montgomeryplanning.org

Sent from my iPhone

On Feb 8, 2021, at 10:20 AM, Sean Patrick Hughes <sphughes@mmcanby.com> wrote:

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

Hi Elsabett-

Quick question- you recently told me the name of staff person who is assisting Rustic Roads Commission currently as Leslie is helping on other items in your office.

I have misplaced that name- can you reply with it?

Thanks as always for your kind assistance,

Sean

Sean Patrick Hughes

Attorney
<image001.gif>

200-B Monroe Street
<image002.gif>
Rockville, MD 20850
T: 301.762.5212
<image002.gif>
F: 301.762.6044
<image003.png>
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RUSTIC ROADS ADVISORY COMMITTEE

4th Thursday of the month

6:00-9:00 PM

Held on Zoom –



Virtual Meeting March 25, 2021

Attendees:

MCDOT Staff Coordinator: Darcy Buckley
Linsey Bryant, Executive Administrative Aide

Members Present:

Laura Van Etten, Chair
Dan Seamans
Bob Wilbur
Anne Davies
Kamran Sadeghi
Leslie Seville, M-NCPPC (non-voting)

Absent Members:

Bob Tworkowski

Guests:

Jane Thompson, Member Emeritus
Angel Cheng, MCDOT Engineering
Dan Sheridan, MCDOT Engineering
Deanne Archey, MCDOT Transit
Wayne Miller, MCDOT Transit
Sean Hughes, Attorney
Lauren Campbell, M-MCPPC

Lee Miller, Civil Engineer, Tara Solutions Eng.
Jackie Hunt, Property Owner
Tom Hartsock, Property Owner
Susanne Lenk, Property Owner
Nelson Moskowitz
Jose Alvarez, Applicant (Prices Distillery Rd.)
Patrick Butler, M-NCPPC

The meeting was called to order at 6:01 p.m.

Meeting minutes for January and February were approved unanimously.

Guest Discussions:

Tobytown Bus Turnaround – Pennyfield Lock Road (Rustic)

Staff from Montgomery County Department of Transportation's Transit Services and Engineering Division discussed two proposed concept plans for turnaround options for bus Route 301 at River Road and Pennyfield Lock Road. Currently, the bus must execute 3-point turn, backing around a corner within the community's parking lot in order to return to River Road. To accommodate the proposed turnaround, it must be multipurpose which includes a bus stop, as well as an ADA sidewalk for access from the community to the stop. Option one has the bus looping through the Tobytown parking lot, constructing a new driveway onto Pennyfield Lock Road as well as relocating the current bus stop but it would remain next to the community center. Removal of minimal trees may take place with this option. Option two has the turnaround located at the intersection of River Road and Pennyfield Lock Road, constructing an "access road" for the bus, along with a bus stop and sidewalk from the community to the bus stop. Riders from Esworthy Road would not have to walk as far on Pennyfield Lock Road to access the bus stop but riders from the Tobytown community would walk farther. Both options include new driveway access to Pennyfield Lock Road and installation of sidewalks. MCDOT anticipates construction by end of June 2021. Committee proposed a site visit prior to voting on either plan.

Coordination with Fire & Rescue Services (Patrick Butler)

Patrick Butler met with Department Permitting Services, Plan Review-Fire Department Access to review standards for driveway/aprons and guidelines along rustic roads. The committee suggested locations where concerns were observed, including Sugarland Road and West Hunter Road. Lauren Campbell also noted concerns at Glen and Query Mill Roads. It was agreed that this level of meeting may achieve some results and would be pursued again.

Action Items:

21721 Peach Tree Road – Driveway

Applicant requesting to add driveway entrance onto Peach Tree Rd. Committee has concerns about the intended use of the property and the need for a separate driveway entrance when there is already an existing shared driveway. Members conducted a site visit for clarification on the intended purpose/need of an additional access point onto Peach Tree Road. Members noted site-distance concerns; also, the building would affect the views from along the roadway. Committee approved motion to draft letter opposing new driveway access onto the Peach Tree Road. Also, noting that if the need is for conducting lawn business; not permitted.

Conditional Use, Landscape Contractor – 12120 Prices Distillery Road (Rustic)

Engineer for the applicant reviewed initial plans for the conditional use of four acres of the property; main purpose of the business is tree service. Currently, there are no plans for additional development (buildings, signage, etc.). The only possible change, if required, would be widening the driveway width to 20 feet. Explained weights of the trucks to be used on site. Members inquired about the disposal plan for off-site tree removals. Applicant stated he has accounts with four businesses where he disposes of trees off-site. Currently, there are no plans for well and septic as the use for the property doesn't require staff to be on-site for extended periods of time. Community members expressed concern over the current tree debris recently stored on the property, which was visible from Burnt Hill Road and Prices Distillery Road. Photos of tree debris in large piles confirmed this. Applicant stated he had cleaned up the debris in the last few days. Committee asked the applicant to provide additional information once formal application is submitted.

Zion Road Bridge

Bridge repair is currently in Pre TS&L (Type, Size, Location) phase of the planning process. The consultant offers three recommendations. A Special Rustic Roads meeting is scheduled for April 9, 2021, for further review by the Committee.

Discussions:

Glen Road over Sandy Branch (M-0148)

Glenstone community member raised concern about the proposed bridge repairs and the potential for frequent flooding. They raised concerns with the plans for a 2-year flood elevation; they feel a 25-year flood elevation would be more appropriate. MCDOT consultants looking into what an alternate plan would entail. Committee will attend a site visit.

Adjourn

8:42 p.m.

RRAC

Sean Patrick Hughes

From: Sean Patrick Hughes
Sent: Monday, January 24, 2022 4:07 PM
To: Pratt, Jamey
Cc: Sean Patrick Hughes
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Thank you Jamey.


They do not sell mulch nor will we have it onsite for the business. Thus, we are not requesting mulch on site (now at times the farm might have mulch for use and spreading on the 28+ acres of it (3+ of the 32 plus acres are for the landscape contracting ops). They are a full service tree company-which falls under County definition of Landscape Contractor-but they do not do many of the typical Landscape Contactor items- cutting lawns, mulch, hardscape, etc.

We have noted we would like to sell firewood. However, that is a very minor potential future item of the operation and it would be for delivery only. Customers would not come on site. Firewood does fall under Landscape Contractors in Mont Co.

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street  Rockville, MD 20850
T: 301.762.5212  F: 301.762.6044


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Celebrating 75 years of Serving our Clients and Community

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Sent: Monday, January 24, 2022 3:52 PM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Well, to answer a couple of other question, yes, I will be present at the meeting. They usually send me the agenda the day before the meeting to post online. Sometimes it is two days earlier. I informed the committee chair about the documents and drawings on DAIC. She had some questions about selling firewood and mulch, and I don't know if this is something from the last time they reviewed this business or something she saw in the new proposal. Do you happen to know if they sell firewood and/or mulch or if they plan to, and if doing so would fall under the same conditional use or would require a different use type?

Thanks!
Jamey

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Monday, January 24, 2022 3:46 PM
To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Great, thanks Jamey.

Sorry for so many questions below- just wanting to be prepared for the Advisory Committee and have my client team up to speed.

Let me know Agenda, etc. -when you have it and are able.

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044

☐ website | vCard | confidentiality | email

Celebrating 75 years of Serving our Clients and Community

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Sent: Monday, January 24, 2022 3:41 PM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Sean,

You are on the Agenda, but they haven't finalized it. I asked what time your item would be, but haven't heard back. The meeting starts at 6 PM. They generally let guests go first before they discuss their internal agenda items.

Jamey

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Monday, January 24, 2022 1:06 PM
To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Hi Jamey-

Can you advise re Rustic Roads-

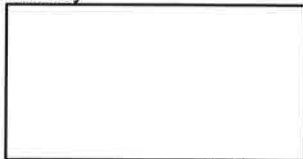
- Are we on the Agenda this Thursday? I will need to let my client and engineer know. If so-
- What time should we join?
- How much time should we plan to have?
- Will you be the staff member on the call?
- Is Agenda out yet (don't see it online)? If not, please provide when available.
- Do you or the Advisory Committee need any materials, info or have questions for me to assist with the review?

Thanks,

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

Celebrating 75 years of Serving our Clients and Community

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>

Sent: Thursday, January 20, 2022 1:16 PM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Sean,

I have forwarded your request to be added to the January 27th agenda for RRAC.

We do not need you to send any more exhibits. I was able to work with Intake staff to get the missing items included on DAIC. But do let me know if you believe one is missing. The response I got back from them made it sound like they had to decide which ones to include, and I don't know how they decided. They also don't have quite the same filename format, so you have to look for them out of sequence.

Jamey

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Thursday, January 20, 2022 1:01 PM

To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Good afternoon Jamey-

Let me know re Rustic Roads Advisory Commission or if I should work with another Planning Staff member who supports them to get back on an upcoming Agenda.

thx

Sean Patrick Hughes

Attorney



200-B Monroe Street Rockville, MD 20850

T: 301.762.5212 F: 301.762.6044



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Celebrating 75 years of Serving our Clients and Community

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Tuesday, January 18, 2022 1:02 PM

To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi Jamey-

I wanted to check back with you re the 2 below items-

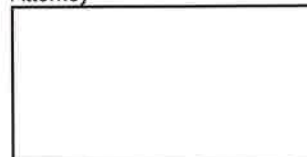
1. When and how can we get back before the Rustic Roads Advisory Committee
2. Do you need me to resend the many items that were submitted as the CU or were you able to locate wit the Intake team?

Thanks,

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street Rockville, MD 20850

T: 301.762.5212 F: 301.762.6044



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Celebrating 75 years of Serving our Clients and Community

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, January 7, 2022 3:14 PM
To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Yes, quite a few.

I sent it in multiple emails to Intake (believe 6-7) team rep.

Do you want me to resend all to you or do you prefer to check with them first?

Either way fine with me.

Let me know.

thx

Sean Patrick Hughes
Attorney



200-B Monroe Street ☐ Rockville, MD 20850
T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Sent: Friday, January 7, 2022 12:08 PM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

I notice that your attachment is labeled as "08a". The highest numbered exhibit I see associated with the application is exhibit 4, the signage exhibit. Is there also a 5, 6, and 7 that is missing from the record? Possibly others? I can send everything to the Intake team to add to the project.

Thanks again!
Jamey

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, January 7, 2022 11:59 AM
To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Thanks Jamey. It was filed. I suspect it was inadvertently not uploaded. I had to send it to Josh Penn recently for the same reason-as he is the Planner assigned to write the report(s).

Here it is attached.

Also including the Site Plan.

And here is summary of some of the numbers you noted below-

-Requesting-

25 staff member (no office on site and not requesting one-they have a corporate office in Frederick, no new blds requested, asking to use the existing ag bld-open on 2 or 3 sides) 2011 built (before our client bought property in late 2019/early 2020)

18 trucks -use about 2/3 a day

Chapingo's hours of operation will generally be from 6:00 AM until 6:30 PM. Monday through

Saturday.

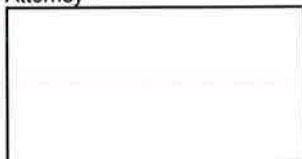
Let me know if questions or you need additional info. We went before the Advisory Commission on March 25 before we filed the CU-and at that time agreed to come back after the CU was filed and accepted.

Thanks,

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>

Sent: Friday, January 7, 2022 11:38 AM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Sean,

I didn't see a narrative description of the project on DAIC. I was surprised the application was accepted without one. Was it simply not uploaded or is there not one? There is generally a text description of the project with the number of employees, operating hours, parking situation, etc. Or perhaps I just didn't open the right file?

Thanks!

Jamey

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, January 7, 2022 11:33 AM
To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Thank you Jamey. I will await your further guidance.

Once we have a date confirmed for our re-attending the meeting as an Agenda Item- I can supply you with the most current/filed CU site plan and any other helpful items.

Enjoy the weekend-

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Sent: Friday, January 7, 2022 10:20 AM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Sean,

Lauren is no longer with Montgomery Planning, so I am the point of contact you are looking for.

It is my understanding that there will be an RRAC meeting on January 27th. I will follow up with RRAC to see if they have confirmed dates to add to the website and ask that they add you to the agenda.

Thank you!
Jamey

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, January 7, 2022 10:12 AM
To: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: FW: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Hi Jamey and Happy New Year-

Per my below I had been trying to reach Lauren Campbell re this property and our prior and desired additional visit before the Rustic Road Advisory Commission.

I have not been able to connect with Lauren the past 3 weeks and now-no longer see her listed as a Planner supporting the Rustic Roads program.

Is this something you can assist me with or point me to the right person in your office who supports and helps applications be placed on the Advisory Commission's Agendas?

Thanks as always for your time and guidance,

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Wednesday, January 5, 2022 1:59 PM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi Lauren-

Hoping you had a nice holiday and getting settled back in the office.

Please let me know when you see this-and below -and if you can assist re getting back on an upcoming Rustic Road Committee Agenda or if I should work with another member in your office.

Thanks and wishing you a great 2022-

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850
T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Tuesday, December 28, 2021 1:23 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Good afternoon Lauren-

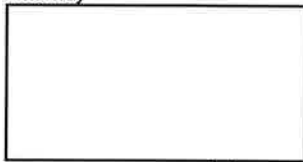
I wanted to follow up on my below email to make sure it did not get buried in your email inbox. I recognize that you may be out due to the Holidays.

PLEASE confirm when you see this email and next steps.

Thanks,

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street ☐ Rockville, MD 20850
T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, December 17, 2021 11:39 AM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi Lauren-

This application CU has been accepted within past week or so- Case No. 22-07. We have an OZAH Hearing Date of April 11.

We wanted, as requested and we agreed to, come back before the Committee when the application was accepted.

I do not see 2022 dates posted yet on Advisory Committee's page.

Do you have dates and guidance on best way to get back on a future agenda? I had supplied materials with basics about the project and can supplement with current site plan and some other items if you agree.

And good to work with you-or is another member of Planning Staff the more appropriate POC for Committee?

Thanks as always and have a great weekend-

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Sent: Wednesday, September 22, 2021 9:34 AM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Good Morning Sean – The minutes have been posted on the site. Check out the link below:

<https://montgomeryplanning.org/wp-content/uploads/2021/09/Summary-RRAC-March-2021-Final.pdf>

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department

2425 Reedie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Friday, September 17, 2021 1:37 PM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Hi Lauren-

Re this item-- I have looked back a few times the past few months, including today and do not see the Minutes or Meeting Notes from the March 25 meeting in which we were on the Agenda. The last Meeting Summary posted online is from February.

Are you able to send me a copy?

Thanks and have a great weekend,

Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044

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Celebrating 75 years of Serving our Clients and Community

From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Sent: Monday, March 29, 2021 4:53 PM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi there Sean,

You are welcome! Generally, the Applicant introduces their Team; uses the screen share mode to share the project plan, and walks the Committee through their proposed application, highlighting the impacts, if any, of the rustic roads. There will be meeting notes from this meeting, that should include the attendees and other details that will be posted on the [RRAC website](#).

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department

2425 Reddie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198





WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, March 26, 2021 12:27 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Hi Lauren-

Thanks again for helping us get on the Agenda last night before Rustic Roads Advisory Committee.

Sorry about my tech challenges at the beginning and then my re-joining. I guess I missed the intro and such by the Committee Chair or you.

Are you able to tell me what the ground rules laid out by the committee were last night or typically? I want to make sure I properly prepare for them for our re-visit down the road on this one (and on another project I may bring to you soon).

Also- can you provide lists of which Committee members attended (it is hard for me on zoom to recognize who is member and who is public) and which members of the public attended and/or spoke?

Lastly, would appreciate copies of any docs filed by neighbors with the Committee. I know some pictures were sent that were shown-but if any other docs or emails, letters, etc. that are thus part of public record.

Enjoy the weekend-

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street ■ Rockville, MD 20850
T: 301.762.5212 ■ F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Sent: Tuesday, March 23, 2021 7:27 AM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

Hi there Sean – The Committee would like someone from the Applicants Team in attendance to this Thursdays' evening meeting. Once the agenda is finalized I will send over to you. The agenda will also include the Zoom meeting code.

Normally, they want a brief overview of the project, operations and how it will impact the rustic road.

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department

2425 Reddie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Friday, March 19, 2021 11:26 AM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Thanks Lauren.

Enjoy your weekend-

Sean

Sean Patrick Hughes

Attorney



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200-B Monroe Street • Rockville, MD 20850

T: 301.762.5212 • F: 301.762.6044

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From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Sent: Friday, March 19, 2021 11:25 AM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

I actually just asked them if you are needed in attendance maybe 10 mins before you sent this email over 😊

Thank you for the supplemental information, I will forward to the Committee and will let you know if your attendance is needed once I hear back.

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department

2425 Reddie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Friday, March 19, 2021 11:19 AM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872

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

Happy Friday Lauren-

1. I was hoping to supplement our materials to the Committee to include the following, if you so recommend passing it along:
 - Site Distance Certification from civil engineer on the project –which shows great site distances in both directions
 - DRAFT LAT-which I expect our traffic engineer to supply/file today or early next week with MNCPPC staff (maybe that goes to you, Chris V.A. or others)
2. Lauren- Would you expect to know early next week if we will be asked or need to attend the Committee's virtual meeting on the 25th and if so, will zoom instructions be supplied or should we find them on the website?

Thanks,

Sean

Sean Patrick Hughes
Attorney



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200-B Monroe Street » Rockville, MD 20850
T: 301.762.5212 » F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Wednesday, March 17, 2021 6:05 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Lauren-

My apologies-I forgot to include all of the attachments below.

Sean

Sean Patrick Hughes
Attorney



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200-B Monroe Street » Rockville, MD 20850
T: 301.762.5212 » F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Wednesday, March 17, 2021 5:58 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Hi Lauren-

Please find the below and attached info related to a project our firm is working on (preparing to file a Conditional Use for Landscape Contractor under 59.3.5.5.) at 12120 Prices Distillery Road, Damascus, MD 20872 for our client and recently purchased owner (2/25/20), Chapingo Investments LLC

1. Cover Letter
2. SDAT page for property
3. DRAFT Site Plan from engineer on project, Terra Solutions Engineering.
4. Aerial Photo of property (P595) and area.

Upon review, please confirm receipt and if questions or you need additional information for the Rustic Roads Committee to review this project.

Thank you,

Sean

Sean Patrick Hughes
Attorney



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200-B Monroe Street • Rockville, MD 20850
T: 301.762.5212 • F: 301.762.6044

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From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Sent: Wednesday, March 10, 2021 3:47 PM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads

Hi Sean – Thanks for following up! Yes, it did get buried in my email.

There is no set deadline for getting in the information, but of course the sooner the better to give the Committee enough time to review. If you plan on getting on the 3/25 agenda – please attempt to send me the materials by Friday, March 19th so I can forward to the Committee and request for the Application to be on the Agenda.



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department

2425 Reedy Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDY DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Wednesday, March 10, 2021 3:42 PM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads

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

Hi Lauren-

I wanted to follow up on my below email-as guessing it may have got buried in your email.

Thanks,

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street • Rockville, MD 20850
T: 301.762.5212 • F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, March 5, 2021 4:48 PM
To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: rustic roads

Hi Lauren-

I wanted to get your guidance if there is an official or unofficial deadline to provide info to be reviewed on the Rustic Road's monthly meeting?

We might be ready to provide info on one of the projects we have- this month (or maybe in April).

Thanks and have a nice weekend,

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street • Rockville, MD 20850
T: 301.762.5212 • F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Sean Patrick Hughes
Sent: Thursday, February 18, 2021 12:05 PM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads

Thanks for the reply and guidance Lauren!

We will be back in touch soon regarding these matters.

Sean

Sean Patrick Hughes
Attorney



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200-B Monroe Street • Rockville, MD 20850
T: 301.762.5212 • F: 301.762.6044

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Sent: Tuesday, February 16, 2021 3:17 PM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: RE: rustic roads

Hi Sean,

Thank you for reaching out! We appreciate the early coordination with the Rustic Road Advisory Committee (RRAC).

Just a brief background, the program is under **Sec. 49-76** and is set in place to ensure these charming roads are maintained and improved in a manner that preserves the roads significant features.

For **next steps**, feel free to email me over any plans or sketch designs that you have that I can share with the RRAC. The Committee will review and decide whether it is best to either a.) Do a site visit to assess the significant features and provide any comments -or- b.) The Applicant Team will attend one of the RRAC monthly meetings, that are held on the 4th Thursday of each month at 6:00pm (currently via Zoom) to discuss details of the Application and the RRAC committee will provide their comments.

Timeline Depending where the Applicant is on their project timeline, feel free to request to be put on the agenda on a date that works for the project schedule. Below are the upcoming dates:

- February 25
- March 25
- April 22
- May 27

After you meet with the RRAC, the Committee will write a letter in support of (or not) of the project and next steps that the Applicant will need to complete in order to get a favorable opinion from the Committee.

Hope this helps. If you need more information, feel free to throw out some times for us to chat.

Lauren



Lauren Campbell

Senior Transportation Planner

Montgomery County Planning Department

2425 Reddie Drive, Wheaton, MD 20902

Lauren.Campbell@montgomeryplanning.org

o: 301.495.2198



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Sean Patrick Hughes <sphughes@mmcanby.com>

Sent: Sunday, February 14, 2021 11:05 AM

To: Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: FW: rustic roads

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

Hi Lauren-

Per below Elsabett was kind enough to direct me to you.

Jody and I have 2 newer matters that will be Conditional Use applications (one for a Landscaper Contractor and the other for animal boarding and care) that we believe are both on Rustic Roads.

Would you have time to talk on the phone this coming week with me and/or provide some guidance about recommended next steps, timing and materials that I will want/need to supply to you and Rustic Roads Committee in order to have dialogue and review of our request?

Thanks very much,

Sean

Sean Patrick Hughes
Attorney



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200-B Monroe Street • Rockville, MD 20850
T: 301.762.5212 • F: 301.762.6044

From: Tesfaye, Elsabet <elsabet.tesfaye@montgomeryplanning.org>
Sent: Monday, February 8, 2021 10:54 AM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: Re: rustic roads

Hi Sean,
It is Lauren Cambell.
Below is her email address
lauren.campbell@montgomeryplanning.org

Sent from my iPhone

On Feb 8, 2021, at 10:20 AM, Sean Patrick Hughes <sphughes@mmcanby.com> wrote:

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

Hi Elsabet-

Quick question- you recently told me the name of staff person who is assisting Rustic Roads Commission currently as Leslie is helping on other items in your office.

I have misplaced that name- can you reply with it?

Thanks as always for your kind assistance,

Sean

Sean Patrick Hughes
Attorney
<image001.gif>

200-B Monroe Street
<image002.gif>
Rockville, MD 20850
T: 301.762.5212
<image002.gif>
F: 301.762.6044
<image003.png>

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Sean Patrick Hughes

From: Sean Patrick Hughes
Sent: Friday, January 28, 2022 12:50 PM
To: Pratt, Jamey; Penn, Joshua
Cc: Sean Patrick Hughes
Subject: RE: rustic roads-12120 Prices Distillery Road, Damascus, MD 20872
Attachments: 02 TOC.docx

Jamey-

Thanks again for your assistance in placing us back before the Rustic Roads Advisory Committee last evening.

As promised-from discussions last evening- please find a copy of the Table of Contents for the Advisory Committee and Staff that we filed with our CU on this matter.

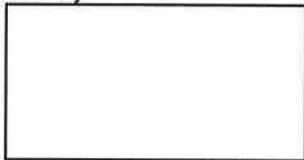
If Staff or the Advisory Committee needs any of the items from TOC resent for review or for DAIC posting, please advise.

Have a nice weekend-

Sean

Sean Patrick Hughes

Attorney



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T: 301.762.5212 ☐ F: 301.762.6044

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Sean Patrick Hughes

From: Sean Patrick Hughes
Sent: Saturday, April 9, 2022 10:53 AM
To: Buckley, Darcy B.
Cc: Sean Patrick Hughes; John Sekerak, Jr (john.sekerak@stantec.com)
Subject: FW: CU 22-07
Attachments: Attachments.html

Hi Darcy-

As promised, please find below and attached our Motion to Amend the Cond. Use for Chapingo at 12120 Prices Distillery Road with revised drawings, Fire Access and Water supply approval and some edits to operations, including the removal of request to include snow plowing and firewood sale services.

Please confirm receipt, advise if questions or any challenges opening the docs.

Thanks,

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street Rockville, MD 20850
T: 301.762.5212 F: 301.762.6044

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From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Friday, April 8, 2022 4:27 PM
To: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; ozah@montgomerycountymd.gov
Cc: Penn, Joshua <joshua.penn@montgomeryplanning.org>; John Sekerak, Jr (john.sekerak@stantec.com) <john.sekerak@stantec.com>; Jose Alvarez (jose@chapingotreecare.com) <jose@chapingotreecare.com>; Nelson Moskowitz (nelson@moskowitzlaw.com) <nelson@moskowitzlaw.com>; Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: FW: CU 22-07

Citrix Attachments

Expires October 5, 2022

08a App Stmt Just AMENDED 4.8.22.CLEAN.docx	1.3 MB
2022.03.07. Ltr to Staff re ad. pub facilities...om.docx	958.7 KB

3743_001.pdf	81.2 KB
3745_001.pdf	1.2 MB
3775_001.pdf	4.2 MB
FCP-001(1).pdf	40.7 MB
FCP-001.pdf	40.7 MB
FCP-002(1).pdf	35.9 MB
FCP-002.pdf	35.9 MB
FCP-003(1).pdf	33.7 MB
FCP-003.pdf	33.7 MB
FCP-004.pdf	34.7 MB
FCP-005.pdf	34.5 MB
Fire Access and Water Supply Plan and Coun...ltr.pdf	1.9 MB
LANDSCAPE PLAN.pdf	1.7 MB
SITE PLAN (1).pdf	1.5 MB

[Download Attachments](#)

Sean Hughes uses Citrix Files to share documents securely.

Good afternoon Nana-

Please find attached our Motion Letter to Amend the above noted application and supporting documents. (Due to the size of some of the drawings I need to Send via this shared drive. It should open easily for you if you input your name and email when you click on it. I also attached versions of word for the Statement of Justification and Attach A memo/letter of March 7 and one overall pdf packet of the entire submission-more just to make it clear what is included and order (although order not crucial).

Please confirm receipt and let me know if any issues opening the electronic documents. Per our call we will drop off a paper copy early next week to your office. Upon review, please advise if you need additional copies or any different sizes of the paper copies.

Thank you as always for your kind guidance and assistance,

Sean

Sean Patrick Hughes
Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044



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RUSTIC ROADS ADVISORY COMMITTEE

4th Thursday of the month

6:00-9:00 PM

Held on Zoom –



Virtual Meeting January 27, 2022

Attendees:

MCDOT Staff Coordinator: Darcy Buckley
Linsey Bryant, Executive Administrative Aide

Members Present:

Laura Van Etten, Chair
Bob Wilbur
Anne Davies
Barbara Hoover
Dan Seamans
Kamran Sadeghi
Charlie Mess

Guests:

Jamey Pratt, M-NCPPC
Roberto Duke, M-NCPPC
Leslie Saville, Member Emeritus and Heritage Montgomery
Jane Thompson, Member Emeritus
Sean Hughes, Miller Miller & Canby
Jose Alvarez, Applicant, Chapingo
Josh Hough, Chapingo
Nelson Moskowitz, Staff Attorney, Chapingo
John Sekerak, Stantec Land Planners
Caroline Taylor, Montgomery Countryside Alliance

The meeting was called to order at 6:04 p.m.

Minutes from September and October 2021 – approved. December

Action Items:

12120 Prices Distillery Road (Rustic) – Conditional Use – Chapingo Tree

Chapingo LLC has a Conditional Use application for a landscaping business at 12120 Prices Distillery Road. The plans provide for the conditional use of four acres on this property which includes use of existing barn for storing landscaping equipment (approx. 15). Site is not intended to be for customer use and there should be minimal staff on-site during the daytime hours. Members discussed concerns about firewood cutting and wood being stored or disposed of on-site; Committee was advised that no wood splitting or storage would occur on the premises and Applicant agreed to commit that to writing in the application. A question arose as to whether a permit was required for the above-ground fueling tanks (500 gal. diesel tank and 300 gal. gasoline tank); attorney will investigate. Applicant stated that the Forest Conservation Plan was being revised. Arborvitae trees will be used for screening parking areas from sight. Committee members request restricted use of Burnt Hill Road bridge and to protect view of the stream from Prices Distillery Road. The Committee recommends deferring decision to until application is finalized. Jamey Pratt of Planning Department stated that Rebecca Ballo of Historic Preservation will give input on the historic John M. King barn.

11410 Game Preserve Road – Driveway Concept Plan

Applicant submitted concept plan to construct house on this property along with driveway onto Game Preserve. It was also noted that a waiver was going to be submitted to have septic system instead of public sewer. Committee agreed to draft letter of support for construction of the home at the back of the property, along with notation that forest should be retained between house and road. The Committee is not supportive of a septic system that would remove trees along the road, particularly since the public sewer line is only 150 feet away.

Letter to Maryland Historical Trust

Proposal was presented to the committee to draft a letter of support for Suzy Hanson, a citizen advocacy award nominee, on behalf of the Rural Roads Program for Frederick County. Committee unanimously approved motion to draft letter of support.

Discussion:

MCDOT Budget Briefing – Capital and Operating

Committee was briefed on the operating and capital budget process and directed to the Office of Management and Budget's Open Budget website for more detailed information.

Informational Items:

Update – Jerusalem Road Brewery Driveway

A site-visit was conducted; members were concerned that there was no permit and no review.

Master Plan Update

Updates continue and a briefing to the Planning Board is planned for late February.

Committee Member Training

Notified members on required training that needs to be completed.

Schaeffer Road Bridge

No update. Members discussed reviewing requirements for preservation to maintain the National Register eligibility status.

Civic Outreach

A slideshow presentation was shown as developed by Committee member Barbara Hoover, in her position as Civic Association representative outside the Ag Reserve, which will educate communities on the history of and the need for the Rustic Roads program.

Barnesville Road – Speed bumps

Committee discussed the proposal of speed humps along Barnesville Road and plan to conduct a site visit to clarify proposed location.

Proposed Noon Zooms

Future Zoom meetings to be schedules to discuss the Hoyles Mill ruins, SPAs and tree canopy, Historic African American school houses and Old Roads New Histories.

Adjourn**8:46 p.m.**

Development Activity Information Center

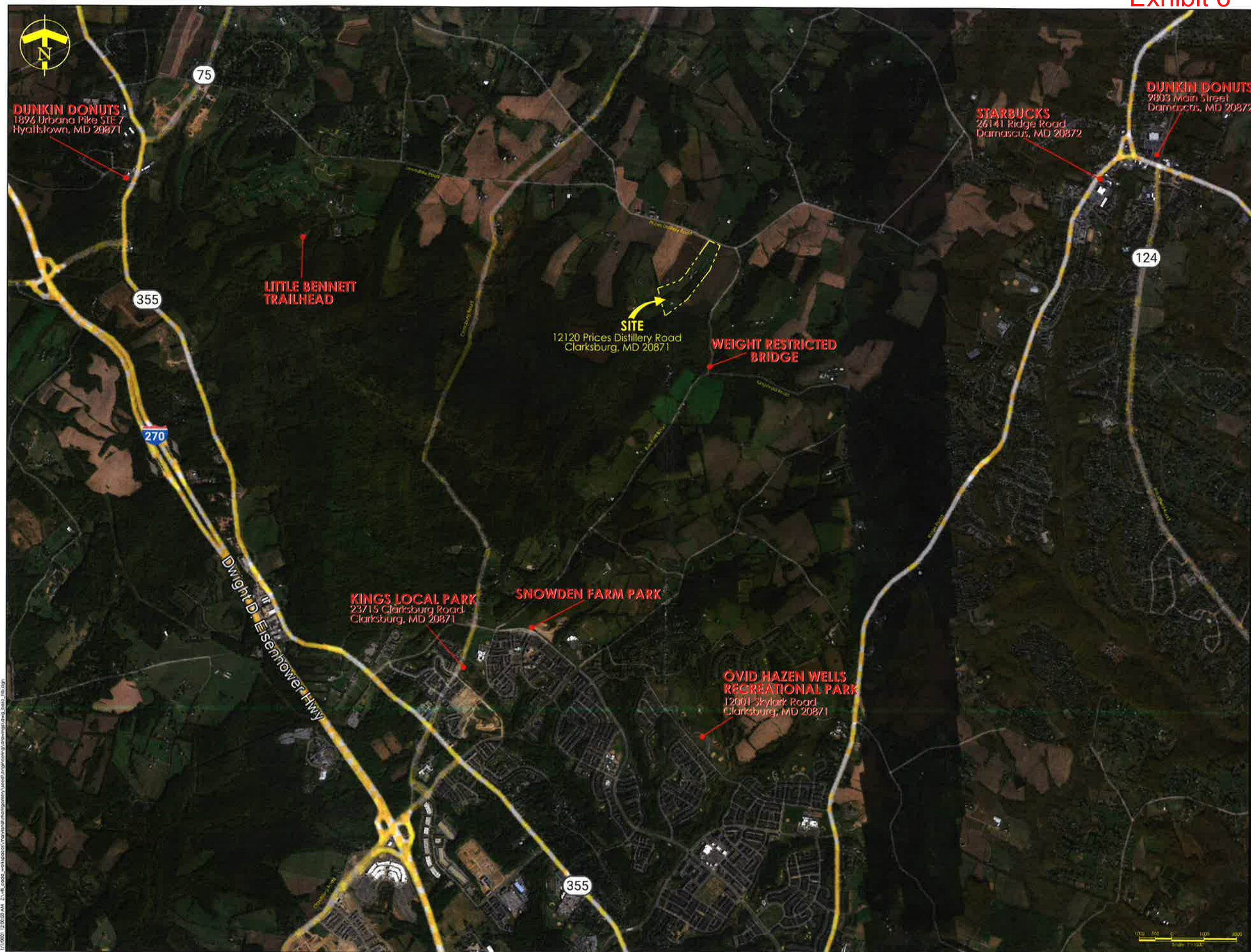


Select Language ▼ Powered by Google Translate

Project: 12120 Prices Distillery Road (CU202207)

Folder	Document Type	Date	Ver.	File Name
Documents and Drawings (archived)				
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 02 TOC.pdf
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 09 a Pictures and Aerials of Property-Area.pdf
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 09 b Pictures and Aerials of Property-Area.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 1 Application.pdf
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 10 NRI and FSD-2006 approval docs.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 2 NL AO and HOA.pdf
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 21 Alteration Permitt Letter-countersigned.pdf
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 23 Covenant and Notice Ag Water Quality Agreement.pdf
Documents and Drawings (archived)	Other Document	2/7/2022	1	CU202207 24 Electrical Permit-2012 Ag bld.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 3A CU Site Plan.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 3B Fire Access Circulation Plan.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 3C Lighting Plan.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 3D Landscaping Plan.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 4 Signage and Signage Location Map.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Application FFCP Amended.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Certified Zoning Map.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Conservation Easement Agreement.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Letter of Authorization (Owner).pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Letter of Support.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Notice Letter.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Noticing FFCP Amended.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Site Distance Evaluation.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 01.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 02.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 03.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 04.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 05.pdf

Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 06.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 07.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 08.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 09.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 10.pdf
Documents and Drawings (archived)	Other Document	5/25/2022	1	CU202207 SR Part 11.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Statement of Justification.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Redlined Sheet 1.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Redlined Sheet 2.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Redlined Sheet 3.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Redlined Sheet 4.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Redlined Sheet 5.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Sheet 1.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Sheet 2.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Sheet 3.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Sheet 4.pdf
Documents and Drawings (archived)	Other Document	12/9/2021	1	CU202207 Submitted Plan FFCP Amended Sheet 5.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 SWM Waiver.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Traffic Statement.pdf
Documents and Drawings (archived)	Other Document	1/10/2022	1	CU202207 Vicinity Map.pdf
Documents and Drawings (archived)	Other Document	5/24/2022	1	CU202207-SC2022014-NOPHandMailingList.pdf



Owner/Applicant:
Chapango Investments, LLC
35558 Washington Blvd, Unit 201, Frederick, MD 21704
Phone: (301) 646-2516
Contact/Title: Jose Alvarez

AERIAL EXHIBIT
12120 Prices Distillery Road

Montgomery County, Maryland

PROJECT TEAM
APPLICANT/OWNER
Chippewa Tree Specialist

APPLICANT/OWNER:
Chapango Tree Specialist
Contact: Mr. Jose Alvarez, Assistant

Contact: Mr. Jose Alvarez, Assistant
301.643.2517
ATTORNEYS

ATTORNEYS:
Law Office of Nathan Moskowitz
Contact: Mr. Nathan Moskowitz, Esq.
201-669-7698

Miller, Muller and Canby
Contact: Mr. Sean Patrick Hunsby, Esq.

Contact: Mr. Sean Patrick Hughes, Esq.
301-762-5212
C.A. DIGITAL, A.S.A. A COMMITMENT

In collaboration with Tera Solutions F
SIANEC
Contact: John Sekerak Jr. ASIA, AICP

CONTACT: JOHN SBERICK JR., ASLA, AIA
301-444-8282

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Checked

May 202

1 of 1

1 of 1

Sean Patrick Hughes

From: Pratt, Jamey <jamey.pratt@montgomeryplanning.org>
Sent: Wednesday, May 4, 2022 12:25 PM
To: Buckley, Darcy B.; Sean Patrick Hughes
Subject: RE: CU 22-07

Darcy and Sean,

According to GIS, there are just over 191 miles of rustic roads.

68 out of the 99 existing rustic roads are within or adjacent to the AR zone.

I just quickly generated these numbers, so there's a chance I missed something, but the numbers are close.

I am not aware of any source for general facts like this about rustic roads, but it's certainly something to consider.

Jamey

From: Buckley, Darcy B. <Darcy.Buckley@montgomerycountymd.gov>
Sent: Wednesday, May 4, 2022 7:16 AM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: Re: CU 22-07

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

Hi Sean, I don't know that we have any stats like that but I am copying Jamey Pratt. He's working I'm on the master plan update and may have more info.

Darcy Buckley
Darcy.Buckley@montgomerycountymd.gov

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Monday, May 2, 2022 11:39 AM
To: Buckley, Darcy B.
Cc: Sean Patrick Hughes
Subject: RE: CU 22-07

[EXTERNAL EMAIL]

Thank you Darcy for this and all of your time and guidance.

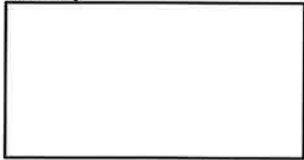
I was looking around the Rustic Roads website and I see that there are 99 roads designated to date. (If I have that accurate).

Does the County have additional info/stats about the Rustic Roads- such as how many miles those roads comprise or what percentage are in AR zone, etc.

-Sean

Sean Patrick Hughes

Attorney



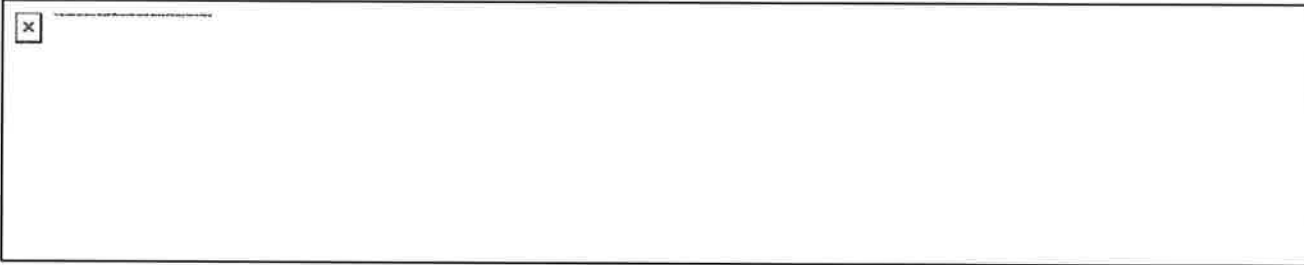
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Sean Patrick Hughes

From: Buckley, Darcy B. <Darcy.Buckley@montgomerycountymd.gov>
Sent: Tuesday, April 19, 2022 6:39 PM
To: Sean Patrick Hughes
Cc: Sean Patrick Hughes
Subject: Re: Agenda for April Rustic Roads Meeting
Attachments: Minutes 01-27-2022.pdf

Please see attached. These have been reviewed by the committee but not yet formally adopted.

Darcy Buckley
Darcy.Buckley@montgomerycountymd.gov

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Tuesday, April 19, 2022 5:50 PM
To: Buckley, Darcy B.
Cc: Sean Patrick Hughes
Subject: RE: Agenda for April Rustic Roads Meeting

[EXTERNAL EMAIL]

Hi Darcy-

Are you able to please send me the Meeting Minutes from the January meeting we attended before the Rustic Roads Advisory Committee?

I do not see it online. Or if a recording is made by Staff or Committee, perhaps I can listen to it.

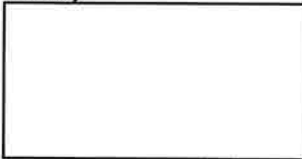
This info along with your below guidance will best help us prepare for our attendance at the meeting later this month.

Please advise.

Thanks,

Sean

Sean Patrick Hughes
Attorney



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T: 301.762.5212 ☐ F: 301.762.6044

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From: Buckley, Darcy B. <Darcy.Buckley@montgomerycountymd.gov>
Sent: Wednesday, March 30, 2022 8:32 AM
To: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: Re: Agenda for April Rustic Roads Meeting

Hi Sean,

The committee likes to fully understand all items that come before it so that it can assess what, if any, impact there will be to the rustic road and identify ways to mitigate potential negative impacts.

Committee's official comments will focus on the impact to the rustic road and its significant features. In the case of Price's Distillery, the significant features of the road are listed as: broad vistas across open farm fields and rolling countryside; view of Sugarloaf Mountain; and beautiful country road on ridge with expansive views.

Based on my notes from the January meeting, the Committee will be looking for the following due to their ability to negatively impact the rustic road:

- Written assurance that firewood won't be cut or stored on property
- Maintenance of views of stream from roadway
- Arborvitae trees screening parking area
- Revised Forest conservation plan
- Restricted use of Burnt Hill Road

There may be other concerns as well, but those are the ones that stood out for me.

Let me know if you have any questions.

Thanks,

Darcy

Darcy Buckley, AICP
Planning and Engagement Specialist
Strategic Communications Team, Director's Office
Department of Transportation (MCDOT)
Montgomery County, MD
Darcy.Buckley@montgomerycountymd.gov

From: Sean Patrick Hughes <sphughes@mmcanby.com>
Sent: Tuesday, March 29, 2022 5:02 PM
To: Buckley, Darcy B. <Darcy.Buckley@montgomerycountymd.gov>
Cc: Sean Patrick Hughes <sphughes@mmcanby.com>
Subject: RE: Agenda for April Rustic Roads Meeting

[EXTERNAL EMAIL]

Thank you very much Darcy for the info and heads up.

We will plan to attend the meeting for our Agenda item.

Do you know if the Advisory Committee will vote on our application based upon the Rustic Road code criteria (Article 8- Rustic Roads Program- Section 49-76 through 49-80) that guides the Advisory Committee's charge or could it be based upon broader land use considerations that the Conditional Use reviews, which was the bulk of the questions/topics that the Advisory Committee and/or its attendees focused upon at both of our prior meeting reviews?

-Sean

Sean Patrick Hughes

Attorney



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.762.6044



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From: Buckley, Darcy B. <Darcy.Buckley@montgomerycountymd.gov>

Sent: Tuesday, March 29, 2022 9:22 AM

To: Sean Patrick Hughes <sphughes@mmcanby.com>

Subject: Agenda for April Rustic Roads Meeting

Hi Mr. Hughes,

We've been advised that the conditional use for 12120 Prices Distillery Road will appear before the planning board on June 2nd and therefore, the preliminary staff report will be due May 9th.

As such, RRAC will consider it at their April meeting. The meeting will be held via Zoom on Wednesday April 27 at 6pm. I'll send you the agenda and the meeting link closer to that date. I'll try to put this item at the start of the meeting.

Thanks,

Darcy Buckley, AICP

Staff Coordinator, Rustic Roads Advisory Committee

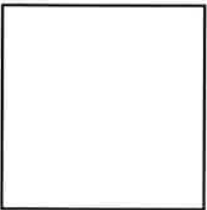
Planning and Engagement Specialist

Strategic Communications Team, Director's Office

Department of Transportation (MCDOT)

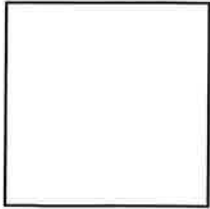
Montgomery County, MD

Darcy.Buckley@montgomerycountymd.gov



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RUSTIC ROADS ADVISORY COMMITTEE

4th Thursday of the month

6:00-9:00 PM

Held on Zoom –



Virtual Meeting January 27, 2022

Attendees:

MCDOT Staff Coordinator: Darcy Buckley
Linsey Bryant, Executive Administrative Aide

Members Present:

Laura Van Etten, Chair
Bob Wilbur
Anne Davies
Barbara Hoover
Dan Seamans
Kamran Sadeghi
Charlie Mess

Guests:

Jamey Pratt, M-NCPPC
Roberto Duke, M-NCPPC
Leslie Saville, Member Emeritus and Heritage Montgomery
Jane Thompson, Member Emeritus
Sean Hughes, Miller Miller & Canby
Jose Alvarez, Applicant, Chapingo
Josh Hough, Chapingo
Nelson Moskowitz, Staff Attorney, Chapingo
John Sekerak, Stantec Land Planners
Caroline Taylor, Montgomery Countryside Alliance

The meeting was called to order at 6:04 p.m.

Minutes from September and October 2021 – approved. December

Action Items:

12120 Prices Distillery Road (Rustic) – Conditional Use – Chapingo Tree

Chapingo LLC has a Conditional Use application for a landscaping business at 12120 Prices Distillery Road. The plans provide for the conditional use of four acres on this property which includes use of existing barn for storing landscaping equipment (approx. 15). Site is not intended to be for customer use and there should be minimal staff on-site during the daytime hours. Members discussed concerns about firewood cutting and wood being stored or disposed of on-site; Committee was advised that no wood splitting or storage would occur on the premises and Applicant agreed to commit that to writing in the application. A question arose as to whether a permit was required for the above-ground fueling tanks (500 gal. diesel tank and 300 gal. gasoline tank); attorney will investigate. Applicant stated that the Forest Conservation Plan was being revised. Arborvitae trees will be used for screening parking areas from sight. Committee members request restricted use of Burnt Hill Road bridge and to protect view of the stream from Prices Distillery Road. The Committee recommends deferring decision to until application is finalized. Jamey Pratt of Planning Department stated that Rebecca Ballo of Historic Preservation will give input on the historic John M. King barn.

11410 Game Preserve Road – Driveway Concept Plan

Applicant submitted concept plan to construct house on this property along with driveway onto Game Preserve. It was also noted that a waiver was going to be submitted to have septic system instead of public sewer. Committee agreed to draft letter of support for construction of the home at the back of the property, along with notation that forest should be retained between house and road. The Committee is not supportive of a septic system that would remove trees along the road, particularly since the public sewer line is only 150 feet away.

Letter to Maryland Historical Trust

Proposal was presented to the committee to draft a letter of support for Suzy Hanson, a citizen advocacy award nominee, on behalf of the Rural Roads Program for Frederick County. Committee unanimously approved motion to draft letter of support.

Discussion:

MCDOT Budget Briefing – Capital and Operating

Committee was briefed on the operating and capital budget process and directed to the Office of Management and Budget's Open Budget website for more detailed information.

Informational Items:

Update – Jerusalem Road Brewery Driveway

A site-visit was conducted; members were concerned that there was no permit and no review.

Master Plan Update

Updates continue and a briefing to the Planning Board is planned for late February.

Committee Member Training

Notified members on required training that needs to be completed.

Schaeffer Road Bridge

No update. Members discussed reviewing requirements for preservation to maintain the National Register eligibility status.

Civic Outreach

A slideshow presentation was shown as developed by Committee member Barbara Hoover, in her position as Civic Association representative outside the Ag Reserve, which will educate communities on the history of and the need for the Rustic Roads program.

Barnesville Road – Speed bumps

Committee discussed the proposal of speed humps along Barnesville Road and plan to conduct a site visit to clarify proposed location.

Proposed Noon Zooms

Future Zoom meetings to be schedules to discuss the Hoyles Mill ruins, SPAs and tree canopy, Historic African American school houses and Old Roads New Histories.

Adjourn**8:46 p.m.**

From: [Karen Ryan](#)
To: [MCP-Chair](#)
Subject: submitting copy of testimony for CU202207
Date: Tuesday, July 5, 2022 7:13:16 AM
Attachments: [Testimony for The Conditional Use Application - Final draft 2 - 6-30-22.docx](#)

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

I have signed up to testify against CU220207 and attached is a copy of my testimony,

Thanks,
Karen Ryan

Testimony for The Conditional Use Application (#CU202207) by
Chapingo Tree Care Specialists for use of part of the 32 plus acre
property located at 12120 Prices Distillery Road, Damascus, as a
landscape contractor business.

Thank you for the opportunity to speak today. My name is Karen S. Ryan. My husband (James G. Ryan) and I live at 25602 Burnt Hill Rd. in Clarksburg, MD. Although our property does not border the Chapingo property in question, it is in close proximity to it, with a clear view of the access road into the property and directly across from their buildings - close enough to be disturbed by the noise associated with the business.

Chapingo Tree Care has been in operation for over a year and a half. Neighbors have already complained about the dumping of tree waste on the property. Today I would like to address the traffic that it causes on our narrow country roads. Chapingo is located on one of the county's "Rustic Roads". Montgomery County's rustic roads are described as

“historic and scenic roadways that reflect the agricultural character and rural origins of the county.” Although very picturesque, rustic roads are in general narrow, often hilly, with blind curves and driveways, minimal shoulders and significant potential for accidents.

Burnt Hill Rd is a rustic road and has clearly posted weight limits for through vehicles ($< 10,000$ lbs. Gross Vehicle Weight Rating) as well as 2 bridges with weight limitations. The bridge nearest to Chapingo is limited to $< 30,000$ lbs. for Gross Combination Weight (G.C.W.) which is the value specified by the manufacturer as the maximum loaded weight of the truck plus the trailer (or chipper) being towed.

The application claims that they have 12 trucks under 26,000 lbs. in weight and 3 trucks over 26,000 lbs. in weight. It was not specified in the application whether these figures related to the curb weight of the vehicles or the G.V.W.R., but the business owns 7 large wood chippers and these are often towed to their jobs by their trucks.

Although the weight prohibitions for Burnt Hill Rd. are clearly posted, Chapingo trucks towing chippers routinely drive on Burnt Hill Rd and cross the 30,000 lb. GCW bridge. It is my belief that many of Chapingo trucks with their chippers in tow (loaded with tree waste as well as with employees) exceed both the 10,000 lb. through traffic prohibition as well as the 30,000 lb. G.C.W. bridge limitation.

The bridge portion of the road is one of the narrowest, most dangerous parts of Burnt Hill Rd. (travel lane is ~ 8 feet wide on the bridge in each direction). A fatal accident occurred in that area a few years ago. I have met Chapingo trucks on Burnt Hill Rd. twice (once near the narrow bridge, once near the vineyard). The Chapingo trucks were over the centerline of the road because the road is not wide enough to handle them. If I were in a larger vehicle and unable to move to the edge of the road, these encounters could have led to serious accidents.

In addition to weight prohibitions on Burnt Hill Rd., there are weight or other prohibitions on many of the roads near Chapingo's location.

Kingstead Rd., Purdum Rd., Mountain View Rd. and even Rte. 355 north of Rte. 121 have weight prohibitions for through traffic over 10,000 lbs. GVWR and in Frederick County, a portion of Lewisdale Rd. also has a 10,000 lbs. GVW weight limitation and Rte. 75 prohibits trucks >102" wide / 48' long for 5 miles from the intersection with Rte. 355.

The Price's Distillery Rd. area has many farms and it is not unusual to occasionally encounter farm traffic moving slowly on the road. The local residents understand and expect these hazards during specific times of the year. This is an area that is not appropriate for a business like Chapingo's that requires large trucks to navigate daily on roads that were not built for commercial activity.

In addition to my traffic safety concerns, the Chapingo application indicates that hours of operation will be 6 AM to 6:30 PM. From our observations, work has continued well past 6:30 PM on numerous occasions. For example, on 6/16/22, at 7PM there was loud talking and laughing on the site. A truck with chipper arrived at 7:26PM and a dump truck at 7:32PM. The application states that there is no water or septic facilities on the site, and I am concerned about how the workers deal with the lack of such facilities.

Because of the impact on the local traffic, potential for accidents and road damage as well as for environmental concerns related to effects felt by the local residents and farms, I ask that the Conditional Use Application (#CU202207) of Chapingo Tree Care Specialists for use of the property at 12120 Prices Distillery Road, Damascus, as a landscape contractor business be denied.

Respectfully,

Karen S. Ryan

From: [Penn, Joshua](#)
To: [MCP-Chair](#)
Subject: FW: written copy of oral testimony
Date: Wednesday, July 6, 2022 8:53:04 AM
Attachments: [Chapingo-oral comments to the planning board.docx](#)

Please include int the record.

Joshua Penn

Planner III

Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
Joshua.Penn@montgomeryplanning.org
o: 301.495.4546

From: Thomas G. Hartsock <tgh@umd.edu>
Sent: Wednesday, July 6, 2022 8:32 AM
To: Penn, Joshua <joshua.penn@montgomeryplanning.org>
Cc: Sara.Behanna@montgomerycountymd.gov
Subject: written copy of oral testimony

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

Hi Josh,

Attached is a written copy of the oral testimony I presented at the "first" hearing dealing with the Chapingo Conditional Use application.

Thanks for keeping us so well informed.

Tom Hartsock

My name is Tom Hartsock and I am a neighboring resident and farmer, with my permanently-preserved farm lying to the west of and sharing a short border with the subject property. The stream that receives the runoff from the subject property runs through my farm and past my home. Prior to my retirement from the University of Maryland, I was Director of a program that trained students for careers in the green industry, including a program in Landscape Management, so I am familiar with the workings of the landscaping industry.

I concur with the Planning staff's recommendation of denial. The absence of septic facilities and a TDR, along with Rustic Road impacts and violations, make this site unacceptable for a landscape operation. I am sympathetic to both the county's need for landscape contractors and the difficulty landscapers have in finding appropriate sites to locate their businesses. The county should identify appropriate locations for such businesses.

That said, Mr. Alvarez is a repeat offender with regard to zoning regulations. Multiple complaints filed for violations at his previous Old Hundred Road location included the dumping of large quantities of tree debris. Complaints to DPS were closed when Mr. Alvarez said he would apply for a CU approval, but a CU application was never filed. So clearly, Mr. Alvarez knew that his operations were not legal and he should have filed for a CU approval the day after purchasing his next property. But it appears that he simply transferred his tree trash dumping operation to the current Prices Distillery Road location.

Mr. Alvarez removed the most visible tree trash and revised his initial CU application to indicate that snow removal operations will not be run out of the subject property facility. But if this application is approved, I fully expect the trucks will be outfitted with snowplows, because snow removal is a cash cow for landscape businesses with available truck fleets and employees who are underutilized during periods of inclement weather. And I wouldn't be surprised if tree debris began to reappear, with Mr. Alvarez once again telling everyone that it will be used to mulch his non-existent fruit trees.

Mr. Alvarez has clearly demonstrated, TWICE, that he will do whatever he pleases on properties he owns in the Ag Reserve. And he relies on the slow-moving government bureaucracy to give him time to operate his business with impunity.

Does anyone care if repeat offenders are allowed to continue? The Planning Board and the Zoning Office should care. The rest of the landscape industry should, as well. And the folks whose property abuts or is near the subject property care. Of the 9 affected property owners who have expressed an opinion on this CU application, 1 is not opposed, 8 **are** opposed and 6 of those 8 wrote letters of opposition that are appended in the staff report.

Mr Alvarez and his company have operated in violation of Montgomery County's Ag Reserve zoning for more than 5 years. Please don't let it continue...