

Caragh Fay Owens & Matthew Nace

4104 Brookeville Road

Brookeville, MD 20833

August 11, 2024

RE: Case No. 2385- Petition of Olney Boys and Girls Club ("OBGC")

To The Board of Appeals for Montgomery County, MD-

We are the owners of the property (as stated above) that is on the back side of the OBGC Fields that is of subject to the case number 2385. First, we would appreciate receiving notice when this special exception makes any change. We have not received any notices that OBGC has claimed were sent to the surrounding neighborhood of OBGC Fields. From what we understand OBGC has yet again filed another modification of the special exception, here we will address each of the issues stated in the most current request for modifications:

1. The structures- we are unable to make any comment because there was an exhibit (aerial photograph and a site plan?) labeling such structures, that exhibit was not supplied in any of the notices, nor was the letter, notice, or exhibit provided on the Board of Appeals website at www.montgomerycountymd.gov/boa/ - we request a copy of such exhibit. Clearly, OBGC has had some building code violations. We do not think it is appropriate for this board to be used as a way for OBGC to manipulate the Montgomery County building codes to ensure that they can get their way.
2. Including the word "Fundraising" in the special exception, we would prefer there to be a definition of the word "fundraising" if it is to be added to the special exception. A suggestion would be "'fundraising' is defined as an event created to generate financial support for OBGC to be used solely for the benefit of principle functions and purposes of the OBGC." We do not think it is appropriate for OBGC to have a charitable event for any other entity but for OBGC. Further, our house does see the events that occur at OBGC Fields, we would like it to be clear that all activities, including "fundraising" end at 10:30 pm meaning all lights and all audio equipment that provides any audio effect be turned off at or before 10:30 pm as stated in the special exception. OBGC should provide proper planning to allowed for volunteers and employees to safely clean up and leave the premises before 10:30 pm. On this side of Brookeville, we have horses, the late noises and lights cause issues with horses and livestock. Such issues are an encroachment upon our use of our property and affect the merchantability of the property. The field of screams event has sold tickets and advertises that on some Saturday nights they are open until 11 pm. For what we have personally witnessed the lights and noise continue well past 11 pm on Saturdays.
3. "Fundraising" has not been consistently done at OBGC Fields, according to the IRS 990 documents that are provided to the public at large online. There has been virtually NO

“fundraising” done at or by OBGC, or at least none that has been recorded. This may be because these events do not fall under the IRS definition of “Fundraising” because technically the income that OBGC receives from Steelhead Events for these events falls under a contract to lease the property, not fundraising.

4. There are multiple events held at OBGC Fields/property: the field of screams, winter city lights, the cropduster games and events involved in cropdusters, a summer movie night, and 4th of July fireworks. All events that we do not believe are covered by the special exception. This is property that is zoned as agricultural. These are not agricultural. The goals in agriculture are to PRESERVE agriculture. None of the events or activities at OBGC Fields are promoting the PRESERVATION OF AGRICULTURE.
5. Mr. Scott included the word “fundraising” as he referred to “Field of Screams”. We believe that it should be clear that the “Field of Screams” event in September and October and the “Winter City Lights” in November, December, and January are NOT “fundraising” because this is an event that OBGC does NOT organize or conduct. There is a company by the name of “Steelhead Events” that organizes the events. We do feel that it is appropriate for OBGC to call this a “fundraiser” without an analysis of how much money comes into this event, and how much of that money goes to OBGC for *family sport reactional activities*. We would like to point out that OBGC has NOT been claiming the money income received from these events is “fundraising” under IRS code.
6. From what we understand OBGC only receives 20% of the profits from these events. Further, these events by OBGC and Steelhead are completely under the control of steelhead events, not OBGC. OBGC does have “volunteers” serve and make food at these events, but many witnesses can testify that they are “being paid under the table.” (Again, another violation.)
7. We would like to point out that Maryland Law 452 passed and was signed by the governor in May 2024, that makes the “release of liability waivers” by recreational facilities unenforceable. To the extent that OBGC and Steelhead Events is attempting to call these events “fundraising” and not recreational would be unacceptable. Our suggestion is to state that any modification to the special exception does not change OBGC and any agent thereof liability to the general public under Maryland Law 452. Further, we would like to see that OBGC carries insurance on these events in the unfortunate circumstance of an injury to human life.
8. We are not aware of any exception or privilege that would allow the benefits expressly designated to the OBGC to be extended to third parties such as “Steelhead Events,” nor do we believe that such exceptions would be appropriate to any such third parties.
9. We also request that there be no changes to the forest conservation area until an inspection is completed and OBGC is in full compliance of the original reforestation plan.
10. We would like to point out that these two events DO affect the traffic in the surrounding area. Traffic has built up for the events causing a line of traffic to extend all the way to McDonalds, which is approximately 3.5 miles away. We request a traffic study be performed on a Saturday at 8 pm in October.
11. Under the special exception there are limitations on parking. As a witness of the parking situation, OBGC does not close the gates when the asphalt parking lots are full, they park the cars in the soccer fields.

12. There are structures that are extremely close to the boundary lines of the other neighbors. OBGC should be following normal agricultural rules and laws in terms of the proximity to neighboring boundary lines.
13. OBGC did build a "berm" on the neighboring boundary lines or very close thereto.
14. The "berm" has not provided any sort of noise, light, or smoke blockage to protect the nearby community from late night obstructions. Attached is a photo from our property that makes it clear that it is not simply that you can "only see the top of the tree at the Winter City Lights," as stated on page 3 of the Resolution to Modify Special Exception.
15. OBGC has created an obstruction of smoke into the nearby neighbor (i.e. my house and horse barn) during these events causing smoke to build up and obstructing the general use and agricultural uses for horses and livestock. This is a violation of the terms of the special exception. There were over 25 bon fires at the Field of Screams and Winter City Lights events each night.
16. There is nothing in the record about who Mr. Kevin McLaren is and why he is authorized to speak for OBGC? Does Mr. McLaren have knowledge as to when those structures in the woods were built? Further, if Mr. McLaren did a noise study during the field of screams events we would like to see it and ask when it was done.
17. We do not think that an organization that has violated multiple local regulations should be allowed to bend the rules even more by the Board of Appeals for Montgomery County.

Given the failure to give prior notice of the requested administrative modifications, the misrepresentations contained within the Resolution, and the failure to allow for appropriate investigation, analysis, and verification, we are demanding a public hearing on all actions set forth under Case No. 5-2385 Petition of Olney Boys and Girls Club pertaining to the Resolution Adopted on July 17, 2024 with an effective date of resolution on July 26, 2024 and attached hereto.

Please let this letter serve as our appeal to the modification to special exception 2385.

We thank you for your time and attention to this matter.

Sincerely,

Caragh Fay Owens

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Matthew Nace

Matthew Nace