

Item 7 - Correspondence

From: [Helen Pauler](#)
To: [Pratt, Jamey](#); [Duke, Roberto](#); [MCP-Chair](#)
Cc: [Peter Ciferri](#)
Subject: RE: Rustic Road Nomination for Gregg Road, between Riggs Road and Zion Road
Date: Wednesday, November 16, 2022 11:34:48 AM
Attachments: [2022-11-16 PEC to Board.pdf](#)

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

Dear Messrs. Pratt and Duke, and the Chair and Members of the Board:

Please see the attached letter from Peter Ciferri, counsel to Alder Energy Systems, LLC. Please contact Mr. Ciferri with any questions.

Thank you.

Best regards,
Helen

Helen Pauler, Paralegal



hpauler@mcmillanmetro.com

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McMillan Metro, P.C.

ATTORNEYS AT LAW

November 16, 2022

VIA E-MAIL ONLY

Mr. Jamey Pratt (Jamey.pratt@montgomeryplanning.org)
Mr. Roberto Duke (Roberto.duke@montgomeryplanning.org)
Upcounty Planning Staff
Maryland-National Capital Park & Planning Commission
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

Mr. Jeff Zyontz, Chair (MCP-Chair@mncppc-mc.org)
Ms. Amy L. Presley, Vice Chair
Ms. Cherri Branson, Board Member
Mr. David Hill, Board Member
Mr. Roberto R. Piñero, Board Member
Montgomery County Planning Board, M-NCPPC
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

Peter E. Ciferri
Partner

Direct: 240-778-2307
pciferri@mcmillanmetro.com

Maryland Bar
District of Columbia Bar

Re: Rustic Roads Nomination for Gregg Road,
between Riggs Road and Zion Road

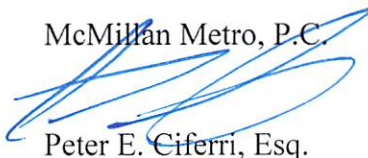
Dear Messrs. Pratt and Duke, and the Chair and Board Members:

Please consider the attached additional explanatory materials in connection with the request made by Alder Energy Systems, LLC, to further designate portions of Gregg Road, beginning at Riggs Road and ending at Zion Road, as a revision to the working draft of the 2022 technical update to the Rustic Roads Functional Master Plan.

Please circulate a copy of these materials to the Board Members in advance of its consideration of the Rustic Roads Functional Master Plan Update public hearing on the November 17, 2022, agenda. Thank you for your consideration.

Sincerely,

McMillan Metro, P.C.



Peter E. Ciferri, Esq.

Attachments

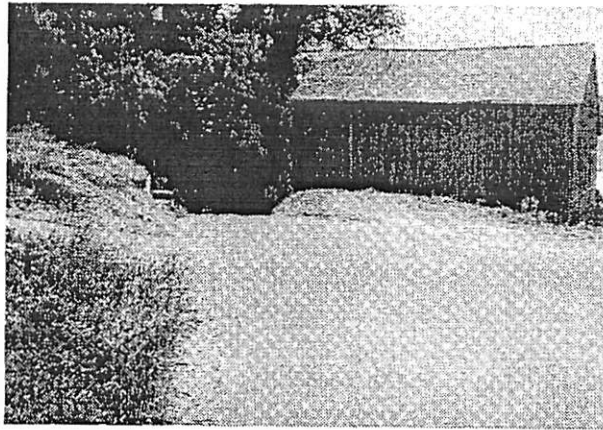
cc: Alder Energy Systems, LLC
Gregg RD, LLC
Mr. Kevin Foster
Rustic Roads Advisory Committee (c/o Darcy Buckley, MC DOT)



1996 Functional Master Plan Excerpts

Gregg Road

A Rustic Road



Gregg Road has outstanding rural and farm vistas and historic value.

Recommended as a *rustic road*.

Significant Features:

- Alignment as it goes around farm building
- Tree-lined farm road
- Relationship to cascading Hawlings River tributary

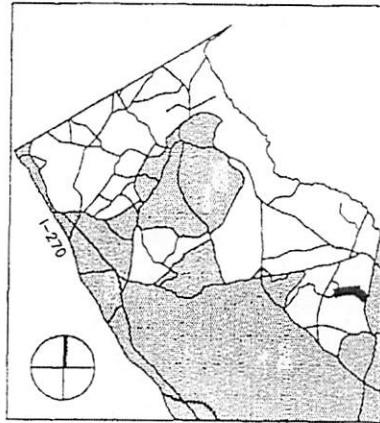
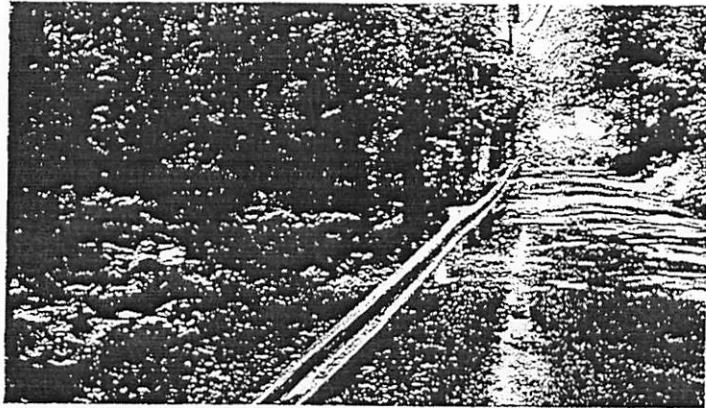
History:

This road was established sometime after 1879. Like many roads in the county, Gregg Road began as a private road connecting farmsteads with main thoroughfares; in this case, with Georgia Avenue and with Zion Road.

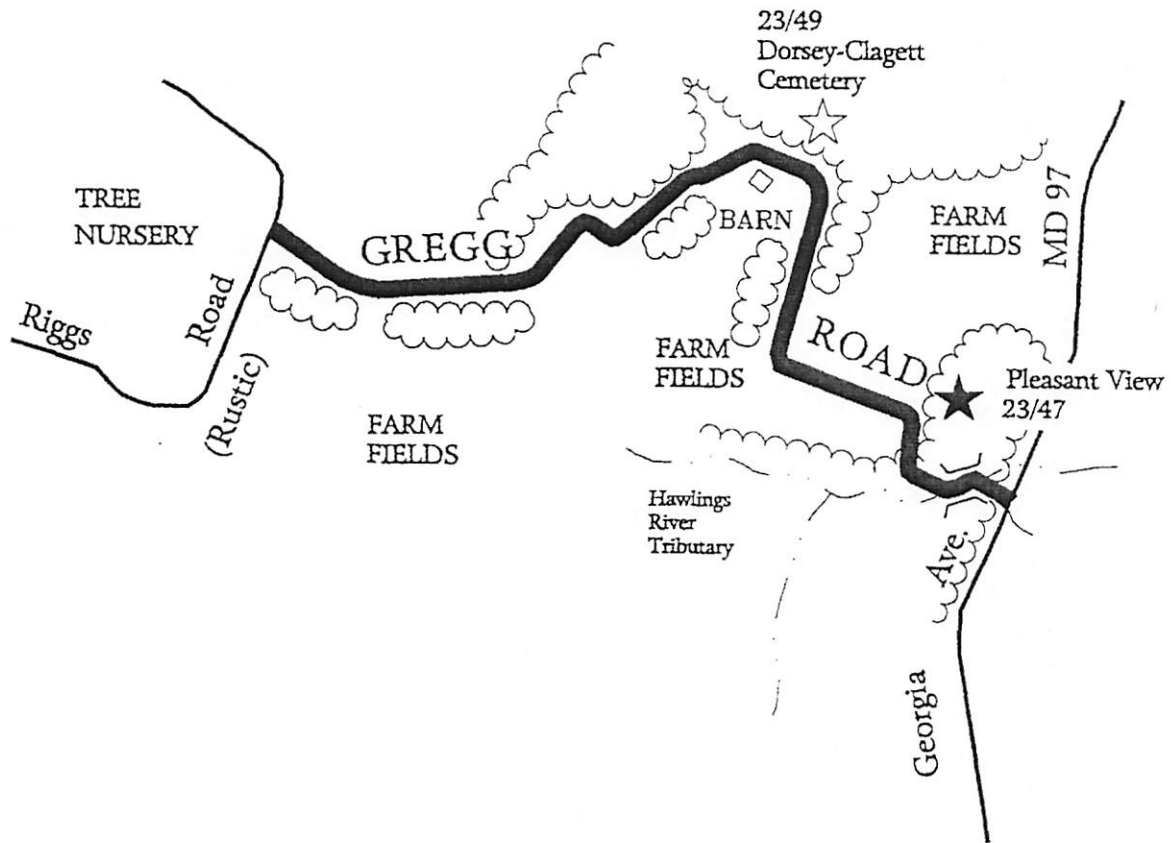
Driving Experience:

Gregg Road runs generally east-west. Driving west from Georgia Avenue, you pass through a residential area with a stream on the left side. The road rises rather sharply and the stream tumbles over large boulders in this area, providing an outstanding natural vista. The road passes Pleasant View, built by Allen Bowie Davis, an extensive landholder and State Senator, for farm worker housing. The original section of house was built by 1870. Agricultural outbuildings include a notable spring-house. The road continues through farmland with several S turns and three right-angle turns. The road is gently rolling with limited sight distance. The road passes the Dorsey Cemetery, which contains the grave of Col. Gustavus W. Dorsey, commander of the last confederate cavalry attack of the Civil War. Other late 19th and early 20th century graves of the Dorsey, Owen, and Clagett families can be seen here. The road goes through farmland and passes a barn on the left side which sits immediately adjacent to the road; the road makes an abrupt left turn at the corner of the barn. The road has a fairly enclosed viewshed with only short vistas across the fields. The road continues to Zion Road but only that portion as far west as Riggs Road (a rustic road) is recommended for designation as a rustic road.

Figure 33



Location Map 2



Roadway Characteristics:

Length: 1.9 miles
 Width: 16 feet paved
 Lanes: no center line or edge markings
 Shoulders: none

LEGEND

- ☆ Potential Historic Resource
- ★ Historic Resource

M-NOPFC

Riggs Road

A Rustic Road



This portion of Riggs Road, from Zion Road to Gregg Road, has historic value, outstanding natural features, and farm views.

Recommended as a *rustic road*.

Significant Features:

- Road alignment and unpaved roadway surface
- Locust hedgerows
- Compatibility of road with adjacent farmland

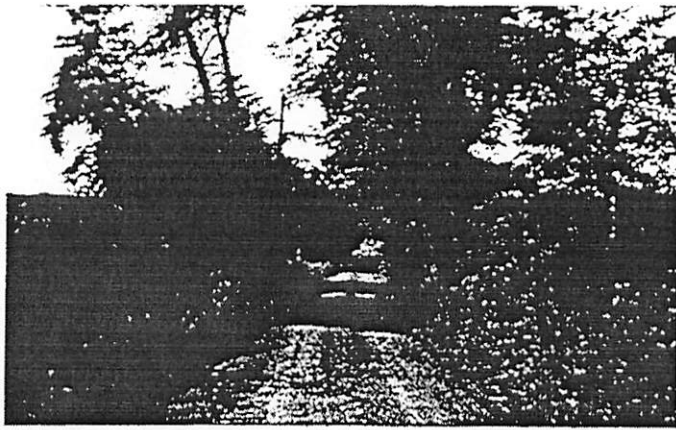
History:

This road began as a farm access lane and serves to connect Gregg Road and Zion Road. Its present name was given after 1964 to the section of Riggs Road west of Zion Road.

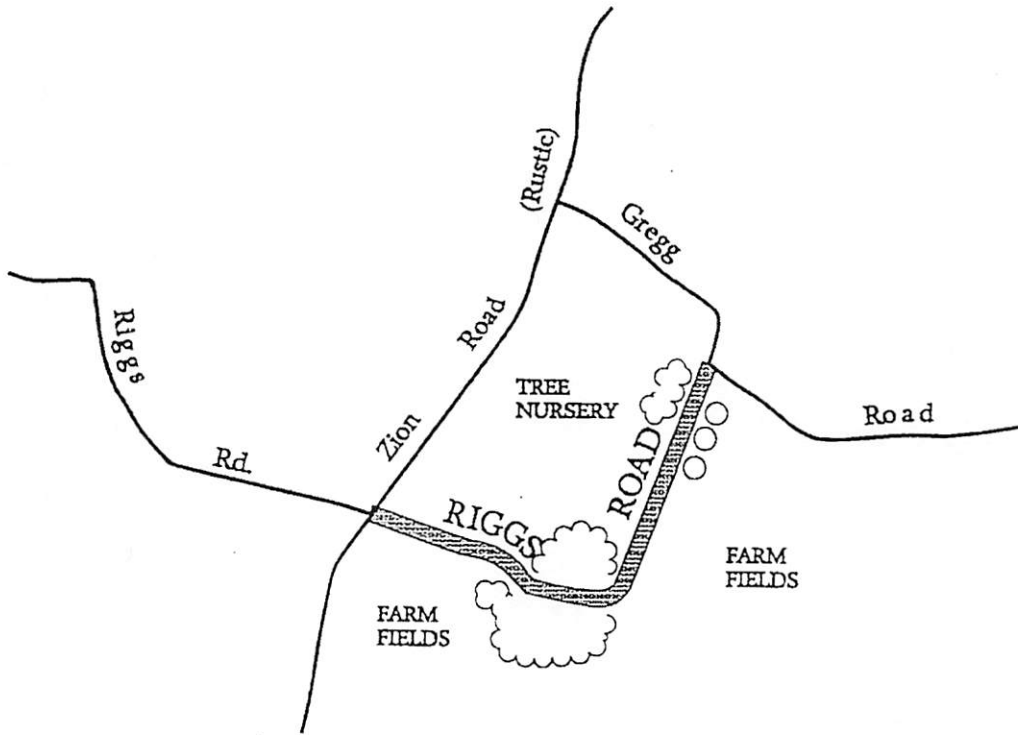
Driving Experience:

Riggs Road is a small dirt road connecting Zion Road (a rustic road) to Gregg Road. It is flat and relatively straight with one broad turn. A tree farm is on the east side, and cultivated fields on the south. Along the east side there are some locust hedgerows and, at the bend of the road, a small woodland provides an overhead canopy. The views are of fields and woodland.

Figure 58




Location Map 2




Roadway Characteristics:

Length: 0.8 miles
 Width: 10-12 feet gravel
 Lanes: no center line and edge markings
 Shoulders: none

LEGEND

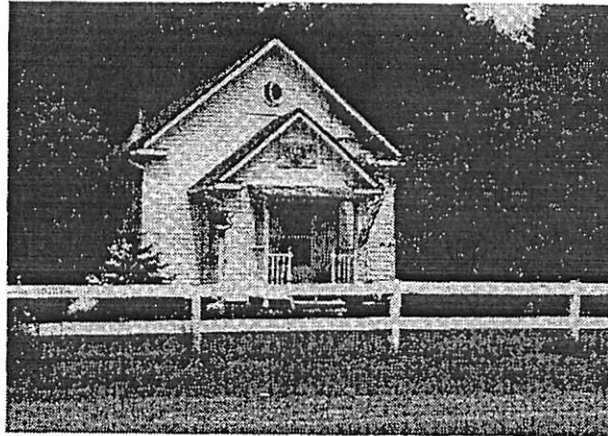
 Unpaved Road

 Hedgerow

M.N.C.P.P.C.

Zion Road

A Rustic Road



Zion Road, from Riggs Road to Sundown Road, has historic value.

Recommended as a *rustic road*.

Significant Features:

- Pleasant road blending into adjacent land
- Forest canopy over northeastern section of road

History:

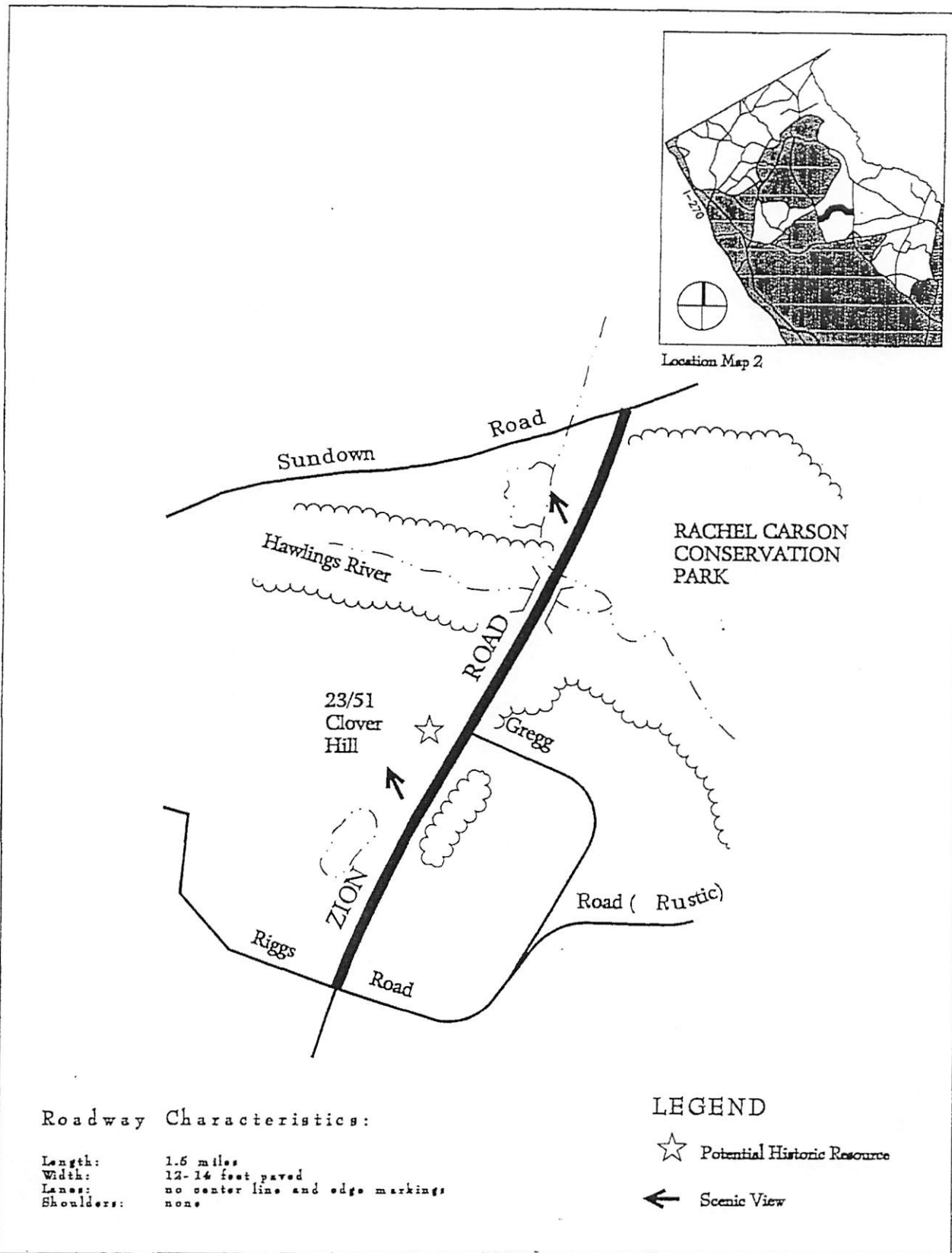
Zion Road was established by 1865 and named for Mount Zion by a freed slave community that was established in this area after the Civil War. This section of Zion Road, north of Riggs Road, was formerly known as Hobb Road.

Clover Hill may be seen from on the western side of Zion Road near its intersection with Gregg Road. Clover Hill was built in sections by successive generations of the locally prominent Gaither family. The eclectic front section, completed in 1858, includes Italianate style bracketed cornice and Gothic pointed arch windows. The house is listed on the National Register of Historic Places.

Driving Experience:

Traveling north, Zion Road, along most of the eastern side of the road, is generally tree-lined with views of horse pastures and modern homes on the western side. The road gently rolls and dips, and blends with the surrounding land. On the west side, near the Gregg Road intersection, there is a scenic view of Clover Hill. As Zion Road gently drops down to the Hawling River valley, views of a large pond and modern homes can be seen to the west. Most of the land on the eastern section of Zion Road is within the Rachel Carson Conservation Park. The road crosses the Hawlings River on a small one-lane bridge before sloping up to its terminus at Sundown Road.

Figure 83



1 M-NCPPC

2022 Working Draft
Functional Master Plan Excerpts

Road Name	Classification	Extents	Notes
Query Mill Road	Rustic	Esworthy Road to Turkey Foot Road	Change part of road to exceptional rustic—see road profile for details
South Glen Road	Exceptional Rustic	Glen Road to Deepglen Drive	
Stoney Creek Road	Rustic	Travilah Road to River Road	
Turkey Foot Road	Rustic	Darnestown Road to Travilah Road	
<i>Olney Master Plan (2005) (pp. 99-102)</i>			
Batchellors Forest Road	Rustic	1,200 feet east of Georgia Ave to Doctor Bird Road	
Brighton Dam Road	Rustic	Town of Brookeville boundary to Bordly Drive	Change to exceptional rustic
Triadelphia Lake Road	Rustic	Entire length	Change to exceptional rustic
<i>Great Seneca Science Corridor Master Plan (2010) (pp. 81, 85)</i>			
Game Preserve Road	Rustic	Clopper Road (MD 117) to Frederick Avenue (MD 355)	

Complete road profiles were written for each of these roads and the blue page symbol shown above appears at the top of the profile. The most important part of each profile is a list of significant features that must be protected when the roads are improved or maintained. Planning staff reviewed the language in the master plan that added the road to the program to find any significant features mentioned in the text. In some cases, narrative text within a master plan described the roads and its features but did not specifically designate any features as “significant.” In many other cases, only a table showing that a road met the eligibility criteria was included in the master plan, but the roads weren’t otherwise described. In at least one case (Game Preserve Road), no information was provided at all.

Additional significant features were added based on notes compiled over the years from field visits and from online resources. Members of the Rustic Roads Advisory Committee also suggested adding or removing features and provided additional details for the profiles, especially the traveling experiences.

Two roads lacking a complete description, Link Road and Boswell Lane, are recommended for removal from the program as discussed below. Another road, Old Hundred Road (MD 109), was only missing a description in the short section between I-270 and Frederick Road (MD 355), but this section is part of the segment between Peach Tree Road and Frederick Road (MD 355) recommended for removal from the program; the remainder of Old Hundred Road retains its rustic designation.



Roads with Revisions to Significant Features

Updates to significant features are recommended for several existing rustic roads that already have well-defined significant features. New significant features have been identified for many roads, while others are being removed. Some significant features have minor revisions. The roads in the program that already have well-defined significant features but are recommended to have features added, removed, or revised are shown in Table 7. As with other roads in the program, the updated profiles will

also contain other text changes and revised maps. The green checklist symbol above has been added next to the list of significant features in the road profiles when there have been revisions to the list.

Table 7. Roads with Changes to Significant Features

Road Name	Master Plan
Barnesville Road	Rustic Roads
Beallsville Road	Rustic Roads
Brookeville Road	Rustic Roads
Burnt Hill Road	Rustic Roads / Damascus
Davis Mill Road	Rustic Roads
Edwards Ferry Road	Rustic Roads
Gregg Road	Rustic Roads
Howard Chapel Road	Rustic Roads
Hoyles Mill Road	Rustic Roads
Hunting Quarter Road	Rustic Roads
Hyattstown Mill Road	Clarksburg / Rustic Roads
Martinsburg Road	Rustic Roads
Mouth of Monocacy Road	Rustic Roads
Moxley Road	Rustic Roads
Old Hundred Road (MD 109)	Clarksburg / Rustic Roads
Old River Road	Rustic Roads
Pennyfield Lock Road	Rustic Roads
Prescott Road	Rustic Roads
River Road (exceptional segment)	Rustic Roads
River Road (rustic segment)	Rustic Roads
Rocky Road	Rustic Roads
Sugarland Road	Rustic Roads
Sugarloaf Mountain Road	Rustic Roads
Swains Lock Road	Rustic Roads
Sycamore Landing Road	Rustic Roads
Wasche Road	Rustic Roads
West Hunter Road	Rustic Roads
West Old Baltimore Road	Clarksburg / Rustic Roads / 10 Mile Creek
Westerly Road	Rustic Roads
White Ground Road	Rustic Roads / MARC Rail
Wildcat Road	Rustic Roads



Roads with a Classification Change from Rustic to Exceptional Rustic

Exceptional rustic roads are rustic roads that meet all the criteria for a rustic designation, but also meet three additional standards. Before classifying a road as an exceptional rustic road, the County Council must find that the road or road segment:

- contributes significantly to natural, agricultural, or historic characteristics;
- has unusual features found on few other roads in the county; and

- would be more negatively affected by improvements or modifications to the physical characteristics of the road than would most other roads in the Rustic Roads Program.

After additional review, many roads that were added to the program as rustic roads appear to meet the criteria for classification as exceptional rustic. The roads recommended to be reclassified from rustic to exceptional rustic are shown in Table 8 and are marked in the road profiles with the red crossover symbol above at the top of the profile. See the Roadway Classification Table at the end of this plan for recommended classifications for any road segment being removed from the program.

Table 8. Rustic Roads Recommended as Exceptional Rustic

Road Name	Master Plan	Extents of Exceptional Rustic Designation
Avoca Lane	Cloverly	Entire road: Oak Hill Road to end of county maintenance
Belle Cote Drive	Fairland	Entire road: Kruhm Road to end of county maintenance
Brighton Dam Road	Olney	Current rustic section (Town of Brookeville to Bordly Drive)
Davis Mill Road	Rustic Roads	Blunt Road to southern driveway at 22905 Davis Mill Road
Elton Farm Road	Rustic Roads	Entire road: Howard Chapel Road to end of road
Gregg Road	Rustic Roads	Riggs Road to Georgia Avenue (MD 97)
Hunting Quarter Road (clarification)	Rustic Roads	Entire road: Hughes Road to River Road
Hyattstown Mill Road	Clarksburg / Rustic Roads	Frederick Road (MD 355) to Prescott Road
Old Bucklodge Lane	Rustic Roads	Entire road: Bucklodge Road (MD 117) to White Ground Road
Peach Tree Road	Rustic Roads	Barnesville Road to Old Hundred Road (MD 109)
Prescott Road	Rustic Roads	Entire road: Frederick Road (MD 355) to Hyattstown Mill Road
Query Mill Road	Potomac	Glen Road to Esworthy Road
Riggs Road	Rustic Roads	Zion Road to Gregg Road
Triadelphia Lake Road	Olney	Entire road: Georgia Avenue (MD 97) to boat ramp parking lot at end of road
Tschiffely Mill Road	Rustic Roads	Entire road: River Road to gate at Seneca Stone Mill
Tucker Lane	Sandy Spring-Ashton	Ednor View Terrace to Ashton Road (MD 108)
Wildcat Road	Rustic Roads	Brink Road to Davis Mill Road and Davis Mill Road to Watkins Road



Roads to Be Removed from the Program

In addition to the roads listed above with recommended extent changes, where only a segment of a road classified as rustic is recommended to be removed from the program, two entire roads currently in

Greenbridge Road has views of agricultural fields to the north before fully entering the forested Patuxent River stream valley. Very few other roads in the county provide such a long, narrow descent through the trees to a large, forested river valley. Improvements to Greenbridge Road would dramatically alter its character, especially on the narrow, steep descent at the east end.

See road profile for details on how Greenbridge Road meets the basic criteria for a rustic road.

Gregg Road

Recommendations:



- Add narrowness of road, turns, and narrow bridge as additional significant features.

Gregg Road is relatively narrow, measuring about 14-16 feet wide throughout most of its length. Widening the road would change its character. The numerous right-angle and S-turns along the road also give the road a lot of its character.

The bridge over the Hawlings River Tributary (bridge Inventory # M-0119) is 17.6 feet wide and lined with steel W-beam guardrails. It was originally constructed in 1958, was rehabilitated in 1978, and had its deck replaced in 1990.



- Change designation from rustic to exceptional rustic.

Gregg Road provides both wonderful farm vistas and an immersive drive through a forested stream valley. The winding road through the stream valley and the closeness of the barn to the road are unusual for the count. The road would lose much of its character if it were widened through the stream valley or near the roadside barn, or straightened where it curves around farm fields.

Haines Road

No new recommendations.

Halterman Road

Recommendation:



- Designate Halterman Road rustic.

See road profile for details.

Haviland Mill Road

Recommendation:



- Approve the new road profile and significant features.

When Haviland Mill Road was designated rustic in 1998, the master plan did not explicitly specify the significant features of the road. According to a description in the plan's Roadway Classifications table, the road features "views of meandering Hawlings River and floodplain; rural landscape with fairly steep hills and flat pastures; [and] access to Woodside Cemetery and

**2022 Working Draft
Appendix Excerpts**



Gregg Road

An Exceptional Rustic Road

Added to the program in the 1996
Rustic Roads Functional Master Plan

Gregg Road has outstanding rural and farm vistas and historic value. This plan reclassifies this road exceptional rustic.



Significant Features

- Alignment as it goes around farm building
- Tree-lined farm road
- Narrow road with S-turns and right-angle turns
- Relationship to cascading Hawlings River tributary
- Narrow bridge over Hawlings River tributary

History

This road was established sometime after 1879. Like many roads in the county, Gregg Road began as a private road connecting farmsteads with main thoroughfares; in this case, Georgia Avenue (MD 97) and Zion Road.

Near the intersection with Georgia Avenue, Pleasant View (Master Plan Historic Site #23/47), retains a number of agricultural outbuildings, including a springhouse. It was likely built by Allen Bowie Davis as the overseer's house for his plantation, Greenwood (Master Plan Historic Site #23/46). Many people were enslaved at Greenwood, including members of the Johnson, Lynn, Dorsey, Ford, Brown, Wallace, and Powell families, and others whose names are not recorded.

Traveling Experience

Gregg Road runs generally east-west. Heading west from Georgia Avenue, you pass through a residential area with a tributary to the Hawlings River on the left side. Forest canopy covers the road as it crosses the tributary on a narrow bridge as the stream tumbles over large boulders, providing an outstanding natural vista. The bridge (bridge inventory #M-0119) is 17.6 feet wide and lined with steel W-beam guardrails. It was originally constructed in 1958, was rehabilitated in 1978, and had its deck replaced in 1990. The road begins to rise out of the valley as it curves to the right.

The road continues through farmland with several S-turns and three right-angle turns. The road is gently rolling with limited sight distance. The road goes through farmland and passes a barn on the left side that sits immediately adjacent to the pavement. The road makes an abrupt left turn at the corner of the barn and has an enclosed viewshed with short vistas across the fields. The road passes the Dorsey-Claggett-Owen Cemetery (Burial Sites Index #177), a late 19th- and early 20th-century family burial ground. Although the road continues to Zion Road (a rustic road), only that portion as far west as Riggs Road (an exceptional rustic road) is a rustic road.

Environment

Except for its northernmost arc, Gregg Road is primarily within the Gregg Road Tributary subwatershed to the Hawlings River, a major tributary to the Patuxent River and the downstream Rocky Gorge Reservoir. Any significant new development activity within this watershed is subject to stringent water quality protection

measures such as imperviousness limits and reforestation requirements. Significant efforts have been made to protect this important source of drinking water, which can be seen in the low-density rural character and the forested tributaries. Also, much of the Hawlings River watershed is protected with parkland, such as Hawlings River Stream Valley Park, Rachel Carson Conservation Park, and the Patuxent River State Park.

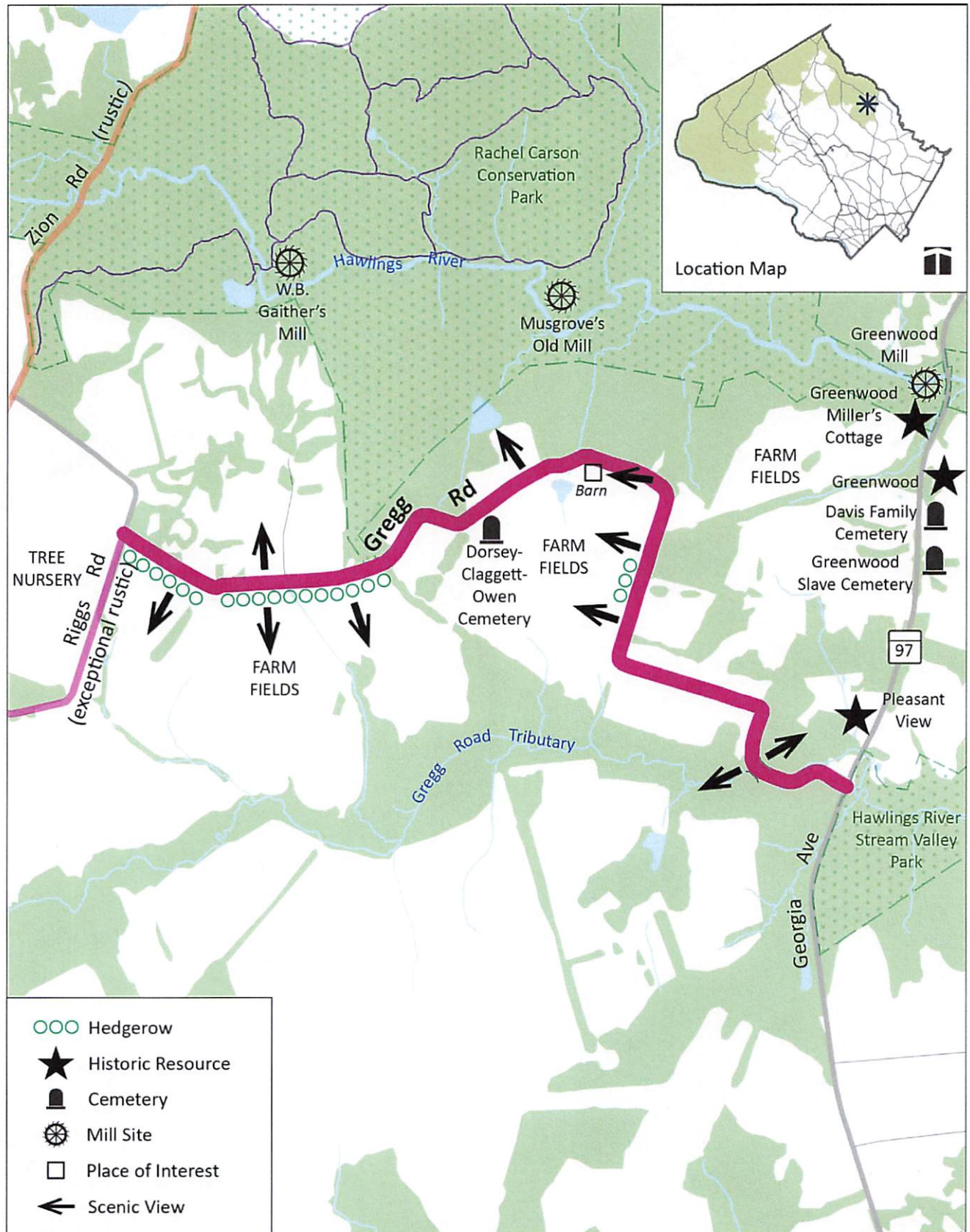
The road has a small unimproved access point to Rachel Carson Conservation Park to the north. This 650-acre park is dedicated to environmental preservation and provides opportunities for quiet enjoyment of the natural environment. The park contains more than six miles of natural surface trails for hiking and equestrian use and is one of the county’s Best Natural Areas due to its high-quality mixed deciduous forests, high quality seeps, and uncommon plant species.

The western section of the road generally has dense hedges on one or both sides of the road with occasional large trees growing close to the pavement creating an intermittent canopy, which appears to have suffered from significant utility line clearing. The eastern road segment drops into the forested stream valley and floodplain of the Gregg Road Tributary. The road follows the stream first on one side, then the other until the road meets Georgia Avenue on higher ground.

Across Georgia Avenue from the road’s east end is the 550-acre Hawlings River Stream Valley Park, an unimproved park and designated Biodiversity Area, intended to help protect the natural environment.

Road Characteristics

Extents	Riggs Road to Georgia Avenue (MD 97)
Length	1.88 miles
Width	14-16 feet
Surface	Paved
Lanes	No center line or edge markings
Shoulders	None



Riggs Road

An Exceptional Rustic Road

Added to program by the 1996 *Rustic Roads Functional Master Plan*

The portion of Riggs Road, from Zion Road to Gregg Road, has historic value, outstanding natural features, and farm views. This plan reclassifies Riggs Road exceptional rustic.

Significant Features

- Road alignment and unpaved roadway surface
- Locust hedgerows
- Compatibility of road with adjacent farmland

History

This road began as a farm access lane and serves to connect Gregg Road and Zion Road. Its present name was given after 1964 to the section of Riggs Road west of Zion Road.

Traveling Experience

Riggs Road is a small dirt road connecting Zion Road (a rustic road) to Gregg Road. It is flat and relatively straight with one broad turn. Departing Zion Road and heading east, trees on both sides of the road almost form a tunnel with their canopies. A nursery and landscape contractor business can be seen to the north and west of the road, while cultivated fields can be seen to the south and east. At the bend of the road, a small woodland provides enclosed overhead canopy. Just past the woods, there are remarkable views across the fields. As the road approaches Gregg Road, there is a locust hedgerow along the east side. Trees along the fence line on the west side of the road here form another tunnel on this end of the road.

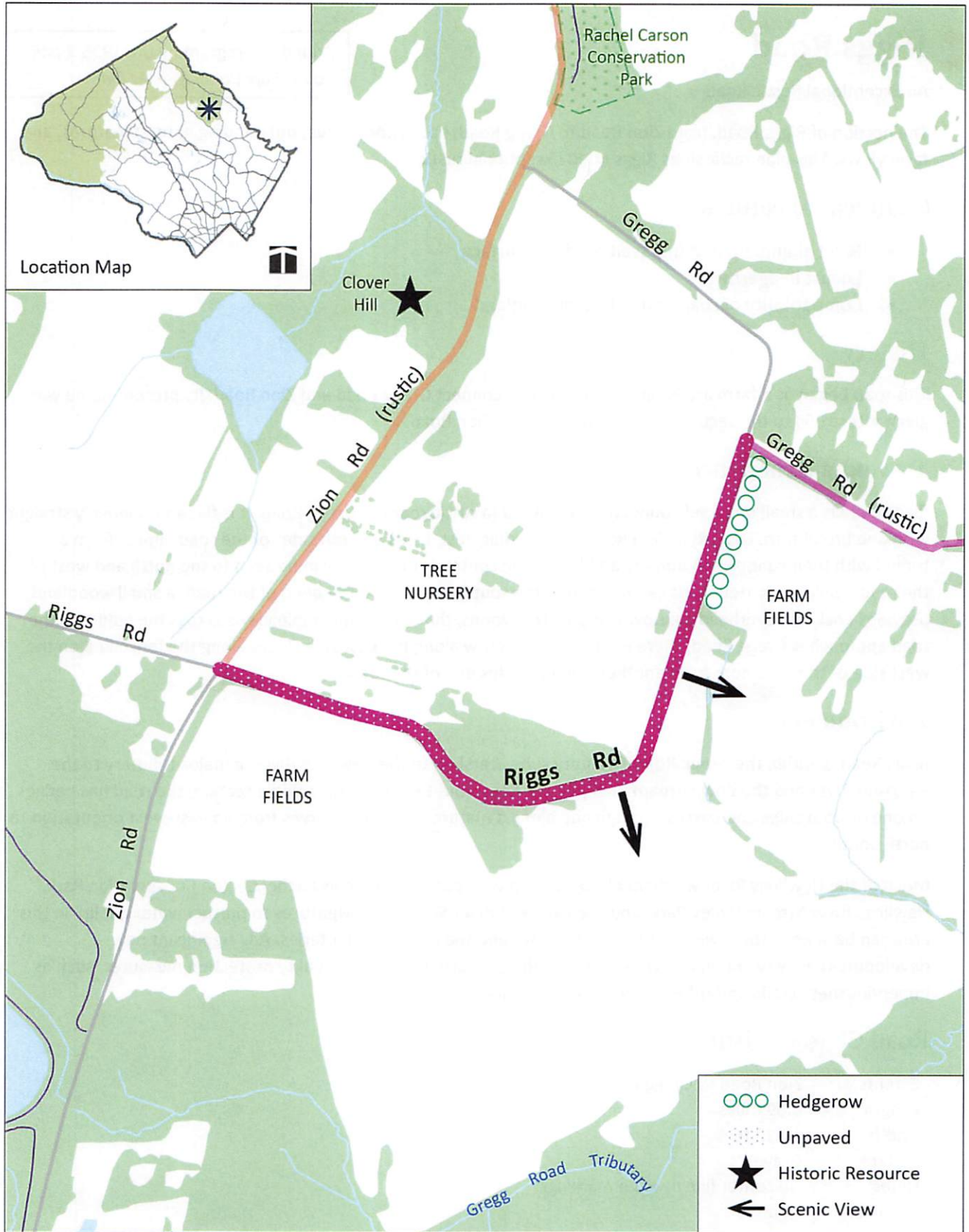
Environment

Riggs Road is within the Gregg Road Tributary subwatershed to the Hawlings River, a major tributary to the Patuxent River and the downstream Rocky Gorge Reservoir. Except for the middle section, the road has hedges on one or both sides and passes through and along a mature forest as it curves from an east-west orientation to north-south.

Much of the Hawlings River watershed is protected with parkland, such as Rachel Carson Conservation Park, Hawlings River Stream Valley Park, and the Patuxent River State Park. Measures to protect water quality in this area can be seen in the low-density rural character and the forested tributaries. Any significant new development activity within this watershed is subject to stringent water quality protection measures, such as imperviousness limits and reforestation requirements.

Road Characteristics

Extents	Zion Road to Gregg Road
Length	0.69 miles
Width	10-12 feet
Surface	Gravel
Lanes	No center line or edge markings
Shoulders	None



Zion Road

A Rustic Road

Added to program by the 1996 *Rustic Roads Functional Master Plan*

Zion Road, from Riggs Road to Sundown Road, has historic value.

Significant Features

- Pleasant road blending into adjacent land
- Forest canopy over northeastern section of road

History

Zion Road was established by 1865 and named after Mount Zion by an African American community that settled in this area after the Civil War. Many early residents were formerly enslaved individuals who settled near the crossroads of Zion Road and Brookeville Road. This section of Zion Road, north of Riggs Road, was formerly known as Hobb Road.

Clover Hill may be seen on the western side of Zion Road near its intersection with Gregg Road. Clover Hill was built in sections by successive generations of the Gaither family. The eclectic front section, completed in 1858, includes Italianate style bracketed cornice and Gothic pointed arch windows. The Gaither family's wealth was built on the labor of African Americans enslaved here and at other family properties. The house is designated to the *Master Plan for Historic Preservation* (Site #23/51) and listed on the National Register of Historic Places.

Traveling Experience

Traveling north from Riggs Road (an exceptional rustic road), Zion Road is generally tree-lined along most of the eastern side of the road with views of horse pastures and modern homes on the western side. The road gently rolls and dips and blends with the surrounding land. On the west side, near the Gregg Road intersection, there is a scenic view of Clover Hill. Zion Road gently drops down to the Hawlings River valley after Gregg Road, with most of the land on the east side of the road within the Rachel Carson Conservation Park. The road crosses the Hawlings River before sloping up, with fences lining the road on the left and woods on the right. The one-lane bridge (bridge inventory #M-0121) is planned to be replaced with a two-lane bridge. There are views of a large pond to the west and a parking area for the park and its trails just before the end of the road at Sundown Road.

Environment

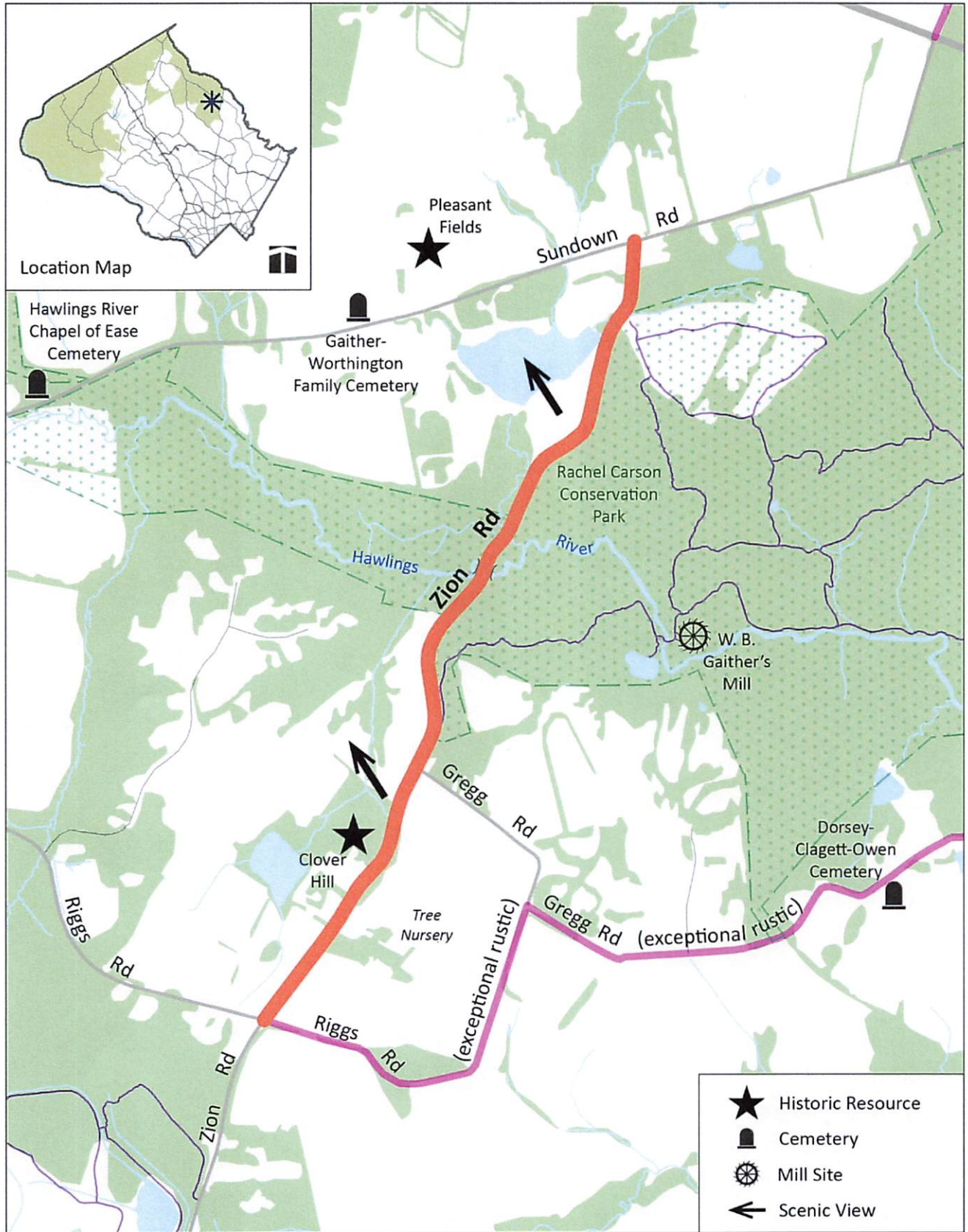
The rustic portion of Zion Road is within the Hawlings River watershed, a large tributary of the Patuxent River. This reach of the Patuxent drains to downstream reservoirs that serve as a source for the Patuxent Water Filtration Plant in Laurel. There are vast areas of conservation land and easements on private land, particularly around stream valleys. The road runs through the Rachel Carson Conservation Park at its midsection, where it passes through the wide, forested Hawlings River floodplain, crossing both the river and a tributary to the river in close succession. This 650-acre park contains more than six miles of natural-surface trails for hiking and equestrian use and is one of the county's premier conservation areas.

From the south the road generally has dense hedgerows on one or both sides, but little overhanging canopy. As the road descends into the stream valley park, the forest becomes dense and mature and grows closer to the

pavement, creating a closed canopy overhead. To the north and south of this stream valley there are trailheads to Rachel Carson Conservation Park on the east side of the road.

Road Characteristics

Extents	Riggs Road to Sundown Road
Length	1.53 miles
Width	20 feet
Surface	Paved
Lanes	No center line or edge markings
Shoulders	None

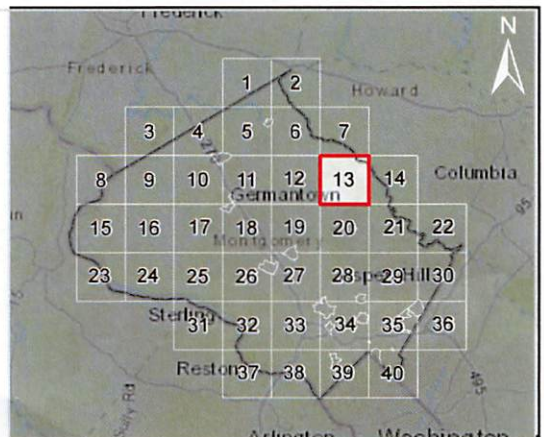
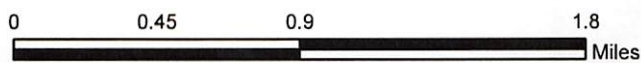


Excerpt
Master Plan of Highways and Transitways
Map Book Page 13



Master Plan of Highways and Transitways Designations

- - - Major Highway (Planned)
- Major Highway
- Arterial
- Country Arterial
- Country Road
- Rustic Road



From: [Tiffany Ahalt](#)
To: [MCP-Chair](#)
Subject: Support for Montgomery County's Rustic Roads
Date: Wednesday, November 16, 2022 11:40:55 AM

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

Greetings,

The Historic National Road Heritage Foundation champions scenic byways and rustic roads that often share the same intrinsic qualities.

We encourage decision-makers in Montgomery County to facilitate measures of protection and the maintenance of these roads that complement the many historic structures, view sheds, and communities often sought by residents and visitors to the state.

Thank you for your consideration and the opportunity to comment.

All the best,

Tiffany Ahalt

--

Tiffany C. Ahalt


Board, Vice President

National Road Heritage Foundation

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From: [Eileen McGuckian](#)
To: [MCP-Chair](#)
Subject: MPI testimony for Nov. 17, 2022 Planning Board hearing on Rustic Roads Functional Master Plan
Date: Wednesday, November 16, 2022 11:46:10 AM
Attachments: [MPI testimony to Planning Board 11.17.22.pdf](#)

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

Dear Mr. Zyontz and members of the Planning Board,

Attached find testimony from Montgomery Preservation, Inc. (MPI) for inclusion in your November 17, 2022, public hearing on the Rustic Roads Functional Master Plan.

Thank you very much,

Eileen McGuckian, president
Montgomery Preservation, Inc.
phileen3@verizon.net



Montgomery Preservation, Inc.

Promoting the Preservation, Protection and Enjoyment of Montgomery County's
Rich Architectural Heritage and Historic Landscapes
P.O. Box 4661, Rockville, MD 20849 www.montgomerypreservation.org

RE: November 17 Hearing on Rustic Roads Functional Master Plan Update

TO: Montgomery County Planning Board mcp-chair@mncppc-mc.org

I write on behalf of Montgomery Preservation (MPI), the countywide nonprofit historic preservation organization, to comment on proposed changes to the Rustic Roads Functional Master Plan.

MPI supports the premise of the Rustic Roads program that our small, historic, scenic, agricultural roads are unique and valuable and should be preserved. They tell the history of our county and connect multiple architectural sites and natural landscapes precious to residents, visitors, and businesses alike. Biking, hiking, and driving our rustic roads enhances our lives and puts smiles on our faces as well as strengthening tourist value. Ours is an excellent program.

MPI supports this program as it has been operating for almost three decades. We commend the RRAC for its foresight, wisdom, and dedication. Just last month, MPI presented the *Michael F. Dwyer Award* to MCDOT's department head and project manager for deciding to preserve the Montevideo Road c1910 truss bridge rather than replacing it with something more modern. This project is an example of how a thoughtful rehabilitation with quality workmanship can continue the use of a jewel set amid the scenic charm of this rustic road for generations to come.

We urge you to retain and strengthen the Rustic Roads program and Functional Master Plan. The new road histories will continue the high quality of information provided previously. The addition of specific definitions long employed by The Secretary of the Interior will further integrate this program with other widely-used cultural standards. We strongly agree with Planning staff recommendations for further research on these roads and on the historic African American communities they serve and connect.

Thank you for the opportunity to offer comments.

Sincerely,

Eileen McGuckian, president
Montgomery Preservation, Inc.
Phileen3@verizon.net

From: lveamazon@aol.com
To: [MCP-Chair](#)
Subject: RRFMP Update Nov. 17, 2022 Submissions for Record
Date: Wednesday, November 16, 2022 11:50:55 AM
Attachments: [TESTIMONY OF RUSTIC ROADS ADVISORY COMMITTEE.pdf](#)
[RRAC Public Hearing Draft PPT.pptx](#)
[ADDITIONAL RECOMMENDATIONS OF RRAC.pdf](#)
[RRAC-MCDOT Tree Trimming Guidelines.pdf](#)
[DEDICATED BUT UNMAINTAINED ROADS -- ADDENDUM TO RRAC TESTIMONY.pdf](#)
[ADDENDUM REGARDING MAINTENANCE.pdf](#)

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

Dear Planning Board Chair:

Please accept on behalf of the Rustic Roads Advisory Committee the following documents for inclusion in the Hearing Record regarding the Rustic Roads Functional Master Plan Update public hearing on Nov. 17,2022.

1. Testimony
2. accompanying Power Point
3. List off Additional Recommendations
4. Tree Trimming Guidelines
5. Background paper on DBU roads
6. Addendum on Maintenance

Thank you,

Laura Van Etten
19735 Mouth of Monocacy Road
Dickerson, MD 20842



RUSTIC ROADS ADVISORY COMMITTEE



TESTIMONY OF RUSTIC ROADS ADVISORY COMMITTEE PUBLIC HEARING on RUSTIC ROADS FUNCTIONAL MASTER PLAN NOVEMBER 17, 2022

INTRODUCTION

Chairman Zyontz and Planning Board Commissioners, I am Laura Van Etten, farmer-member and Chair of the Rustic Roads Advisory Committee, and I am testifying tonight on behalf of the Committee.

This Draft Master Plan correctly states that “The Rustic Roads Advisory Committee is a County Executive agency group that has a special role in overseeing the Rustic Roads Program.” Per County Code, we advise you, the County Executive and the County Council. We are 7 unpaid volunteer members who put in an overwhelming number of hours to carry out our duties. The hours of work were quite multiplied while we helped with this Plan. We on the Committee drove most of the roads in the program and all the nominated roads, writing Traveling Experiences, suggesting Significant Features, and making corrections where necessary. It was to the point that Planning Staff would attend our meetings and say, only half joking, “Now get out there and do our job for us.”

We prepare all our own meeting agendas, do all our own research, write our own letters, statements, testimony, and all other documents, and often provide minutes of meetings. We hold on-site meetings on the roads with development Applicants for the Planning Department’s Development Review process, we research the drawings and materials on the DAIC website, and we hear from the Applicants at our meetings, vote, and write our own letters giving our input on Subdivision plans and Conditional Use plans. We hold on-site meetings on the roads with MCDOT maintenance crews in order to develop our advisory recommendations for their maintenance activities. To my knowledge, this is unlike other County Committees where paid County staff do all the work.

We have asked to increase our membership by two at-large members and for other membership changes, both to help with this workload, but also to help us try to meet the County’s Racial Equity and Social Justice goals. Planning staff indicated that this Master Plan would address this issue; therefore, we ask that our views be included. This is fully discussed later in the testimony.

We recommend a technical clarification to the Draft Plan where the language states MCDOT provides staff, offices and supplies. The statute actually states that the Chief Administrative Officer will provide those things. So, at the request of our County Executive, we have an MCDOT staffer providing us with what is called “coordination,” meaning that person sets up our Zooms, serves as a point of contact for the Committee, and often can provide technical information.

We request that the Draft Plan be corrected where it inaccurately lumps us in with other groups who are “Stakeholders.” We are not Stakeholders. We “oversee and promote” the program as mentioned earlier in the Draft.

Promotional and educational videos

As part of our promotional activities, we have 2 videos about our roads. One by Heritage Montgomery, and features one of our Civic Association members, Robert Wilbur. The other, a 17-minute YouTube phenomenon, was done by our other Civic Association member, Barbara Hoover. It took a lot of work and was done at no expense to the County: it's a PPT set to music with a voice-over. I hope you were able to watch both of these.

Logo design

Our logo was designed by a resident of Batchellors Forest Road, and neighbor of our former Chair, Bob Tworkowski. It was done for free. It now appears on our letterhead and on the Brown Street Name Signs. Time for a quick Show and Tell. Here is a brochure the Committee did, which I print out at home with my own paper and my own printer ink. We designed a bumper sticker, which we either give away or sell at cost, \$1 each. We designed a cap, which we either give away or sell at cost, \$10 each. We create and order these items on our own time and at our own expense.

Public outreach at events

We have a County-provided tent, banner, and two table covers which we use to promote the program at events. We also have photo-boards and easels designed by our former Planning Board member, and which were recently reproduced by MCDOT for us.

SPECIFICS OF THIS DRAFT PLAN

The Draft Master Plan does an excellent job of drawing the time line between the protection of land and farmland, the creation of the Ag Reserve, and the realization that in lower-density areas, the paving and widening and standardizing of local roads was unnecessary and only led to increased traffic speeds and cut-through commuting. One-lane bridges, like the one on the cover of this Plan, also the amazing bridge in the Glen in Potomac, and others were in danger of being lost to standardization. The one-lane bridge on Glen Road was actually the rallying cry that led to the Rustic Roads program. In response to residents' concerns, a 1989 Task Force led to a 1993 law creating the Program, and a Citizens Advisory Committee for the 1996 Master Plan were instrumental in establishing this program.

Our Rustic Roads are identified as assets by Heritage Montgomery, with whom we partner to educate the community and promote the program. Preservation of these roads, their bridges and roadside features is hugely important for the tourism and promotional aspects of Heritage Montgomery's mission. We are proud to be contributing to the \$376 million of annual Heritage Tourism spending in the County. We support the Planning Staff's recommendation that we continue to partner with Heritage Montgomery as they update their Heritage Area Interpretive Plan to include highlighting our rustic roads.

The Committee supports the expanded individual road descriptions, histories and the fantastic new maps in this Master Plan. The new maps for individual roads in the Master Plan are very attractive, but some of the photographs in the Draft Plan are less so; the Committee offers to work with staff to identify better, more attractive photos to use. In addition, there are historic road plats staff has found that are often beautiful hand drawings that include information; we would like to work with staff to incorporate some of these images.

We especially support the Plan's recommendation to reevaluate the county's historically Black rural communities to identify rustic roads with historic and cultural significance tied to African American settlements.

We thank the Planning staff for the inclusion of many important Significant Features in the Road Profiles, including bridges and roadside trees and hedgerows. We ask that these remain in the Plan, and that some others be added that are on a list we have submitted along with our Testimony.

In the section entitled *Road Widths*, we support the Draft in recommending “Continue to maintain narrow road widths and narrow bridges that encourage slower speeds and thus increase safety as users travel along rustic roads....”

In the section called *Drainage*, we support the language but ask that it be improved from the current sentence, “The way drainage is handled on these roads is one of their most distinguishing features....” to state that this is the “single, most distinctive feature of the character” of the roads, which is the language from the 1996 Master Plan.

WHAT NEEDS WORK IN THE MASTER PLAN

Master Plan appendices are not part of an approved and adopted master plan. The actual road profiles must be part of the approved and adopted Master Plan in order to be enforced and implemented. If it is necessary to break up the document due to its size, the road profiles should be Volume 2 of the Master Plan.

IMPLEMENTATION: Context

In the very first section of the Implementation Chapter called ‘Context’ this Draft gets off on the wrong foot by saying “Part of the attraction of rustic roads is that each one is unique. But this makes it difficult to have a “one size fits all” approach to their preservation and maintenance that always makes sense for all roads.” The purpose of this program is to preserve unique and interesting local roads which have significant features distinguishing them from other County roads. The designated roads are not intended to have a “one size fits all” approach to anything. We recommend deletion of this sentence.

IMPLEMENTATION: Rustic Roads Advisory Committee

Staff language regarding the duties of the Committee says that, “The Committee also reviews applications along and within the rights-of-way of rustic roads.” In fact, under Ch. 50, of County Code, Subdivision of Land, we review applications for possible effects to the roads both within the rights-of-way and for affected features like views, vistas and scenic easements; we then provide you with our advice. This is how we interact with you, the Planning Board, during the Development Review process. We would like a reference to these requirements from Ch. 50 added to the Master Plan.

RECOMMENDATIONS: Stakeholder Meetings

In this recommendation the Committee is referred to as a “stakeholder.” In fact, as noted above, the Committee “oversees and promotes” the program. Stakeholders are other interested parties and users of the roads. We request a change to the Master Plan to reflect this.

The Draft recommends that the Montgomery County Department of Transportation (MCDOT), and the Montgomery County Office of Agriculture (OAG), as well as other interested parties, should consider meeting “quarterly or biannually.” Our Committee is subject to the Maryland Open Meetings Act. In order to comply with it, MCDOT and OAG should be added to one of our regularly scheduled meetings on an as-needed basis, with their topics and attendance noted on the agenda that is publicly posted in advance. We note that staff from neither office contacted our Committee to discuss or coordinate on this Master Plan.

Regarding MCDOT, I think it's important to clarify the relationship between our Committee and MCDOT. We are not part of MCDOT. The Rustic Road Code section is in Ch. 49 because we are a "roads" program, and we work extensively and cooperatively with MCDOT on preserving and maintaining the rustic roads. As Dr. Glenn Orlin, consultant to the County Council once described it, we are an historic preservation program for roads. Under Code, we advise on regulations, policies and programs that may affect the rustic roads. And as mentioned, we report directly to you, the Executive and the Council. MCDOT does not speak for us.

For this Master Plan, we recommend that anyone from MCDOT who wishes to attend a meeting do so. Because of the Open Meetings Act, we only make decisions and take votes during public meetings. We frequently see MCDOT project managers both on-site and at our meetings when they are seeking our input. We would like the Master Plan to reflect that no change to this current practice is necessary except to urge MCDOT to attend our meetings if they have policy differences with the Committee so those may be discussed.

RECOMMENDATIONS: Maintenance and Improvements

The Committee would like the full language from COMCOR 49.79.01.04 to be added to the Master Plan, rather than the single sentence in the Plan now, which is only a small part of the maintenance requirement. We recommend including "A rustic or exceptional rustic road will receive the level of maintenance as necessary to assure its continued viability as a transportation facility and to allow for safe travel by motorized vehicles, and agricultural equipment." And, "The rustic or exceptional rustic road classification will not exclude roads from regular maintenance." We suggest that this stronger language be substituted into the Master Plan. In general, maintenance complaints are operational issues that do not belong in a Master Plan and we recommend removing them.

Roadside Vegetation

The Draft contains general language stating that "Overhanging vegetation over roads can cause damage to school buses, fire trucks, and other large vehicles. It may cause hazardous conditions for other users because overhanging limbs have been weakened by getting hit or may hang lower when wet or covered in snow. Rustic roads need to be safe for all users traveling along their rights-of-way." This statement applies to all roads and has no place being called out as though it were a rustic roads problem, and we request that it be so clarified in the Master Plan.

In their Recommendation regarding this, staff states "Ensure that overhead vegetation hangs no lower than 17 feet above the road surface for any road used to move agricultural equipment...." We do not know where the height of 17 feet came from but it is not consistent with any existing law, regulation or guidelines. In the MCDOT – RRAC Tree Trimming Guidelines established in early 2021 to address these issues, we call for trimming up to 18 feet. The intent is to ensure that the trimming would last for three years. We recommend that the Master Plan refer to the Tree Trimming Guidelines and that those be posted on the Rustic Roads website maintained by the Planning Department.

Road Surfaces

In this section, the Draft language complains about potholes, at least this time acknowledging that it is not a rustic roads problem. However, the odd description of something they call a washboard effect really has no place in a Master Plan. Again, these are operational issues that do not belong in a Master Plan. They should be removed.

In the Recommendations section, staff writes that “best practices” should be used on special road surfaces such as our concrete center strip Politicians Roads and our few remaining gravel roads. We agree with this. We ask that the Master Plan specifically call out the Penn State University program for Environmentally Sensitive Roads, which has a highly regarded training process for maintaining gravel roads. Some MCDOT staffers and RRAC members have taken this training and found it to be highly valuable, especially for maintenance, drainage and dust suppressant issues.

Bridges

The Draft correctly states that “Historic bridges identified as significant features in this plan need to be preserved.” In the recommendations, we ask that instead of the word “reconstruct,” when referring to an historic bridge, that the words “preserve and rehabilitate” be used. We ask that the specific definitions used by the Secretary of the Interior for preservation, rehabilitation, restoration and reconstruction be included in the Master Plan, perhaps in a side-bar. Historic resources such as certain bridges over 50 years old and designated historic roads should be preserved and rehabilitated. To assure the standing of the list and for the reader's ease of use, we ask that the appendix list of roads with bridges as significant features be moved into the bridge section of the Master Plan.

We appreciate that the Draft encourages MCDOT and SHA to pursue design exceptions that will provide federal funding for rehabilitation or replacement of historic and one-lane bridges. The State guidance has been based on policy decisions made by the outgoing Governor’s Administration and is subject to change under a new Administration. The reference to guidance should be replaced by a reference to Federal guidance. We understand that funding for historic bridges is included in the recent Federal infrastructure legislation. We request that MCDOT be asked to engage an engineer with historic preservation experience to lead these projects.

RECOMMENDATIONS: Traffic Calming

The first paragraph in this section seems to be an indictment of the Rustic Roads Program. In fact, speeding is a County-wide problem, as we all know from Vision Zero efforts. We request that this section be rewritten to reflect that this is a County-wide problem.

Our Committee recently proposed a change to Code setting the maximum target speed for rustic and exceptional rustic roads at 30 miles per hour. We were successful and Council adopted that change on Nov. 7. We would like the Master Plan to mention this accomplishment. Similarly, the Committee was successful in getting a change to Code to allow the use of speed humps where appropriate on rustic roads. Up until our intervention, speed humps were only allowed on roads designated residential. We would like the Master Plan to mention this accomplishment.

EQUITY

We have never had a voting member of color on this Committee

We recently proposed the addition of two members, taking us from 7 to 9 voting members. This would greatly help to reduce the extremely large number of volunteer hours members are currently putting in. In doing so, we hope to broaden representation on the Committee in accordance with the Council's Racial Equity and Social Justice efforts. We recommend that these members be considered “at-large,” and language regarding the membership qualifications be stated as “representing the geographical, social, economic, recreational and cultural concerns of the residents of the County.”

This would mean that in addition to the current narrow membership categories of 3 farmers, 2 civic association representatives, a roadway advisor and a preservation advisor, the Committee could draw

from a broad group of other users of these roads who have different perspectives and bring fresh insight into the program. Residents in locations where there are no civic associations who use and appreciate the rustic roads could provide a great deal of support in providing advice, going to site visits, and drafting documents. Residents who have historic Black churches on these roads may wish to be involved as the County is developing in-depth Heritage trails to tell the story of Black history and culture. Other examples would include bicyclists, people who come on the roads to boat, kayak, hike or fish, or someone with expertise in tourism sites like the C&O Canal or historic sites along the roads who can help promote the tourism uses of the roads.

Remove restrictive income rules for farmers to serve on RRAC

We request that the words “earning 50 percent or more of their income from farming” be deleted from the requirement for farmer members of the Committee. The Committee does not have financial disclosure requirements for membership, and this provision discourages membership from a broad range of farmers. The Committee does not issue permits or levy fines like some other boards and commissions (for example, the Historic Preservation Commission). Therefore, having an income test without requiring any submission of financial disclosure is not necessary or useful. In addition, while the Committee did not address the current Code language calling for farmers to be owner-operators of commercial farmland, it has been pointed out to us by Council staff that many immigrant farmers lease land under the MCA program called Land-Link.

There has never been a Black or Hispanic farmer on the Committee

Agriculture in Montgomery County is changing -- we are seeing table crops, farm markets, wineries and breweries, and immigrant farmers growing food from their homelands. Our Committee wants to support and reflect these expanded farm uses. The current income test favors long-established commodities farmers. Our goal is to be able to attract a diverse group of farmers, particularly drawing from the growing pool of immigrant farmers who are not traditional farmers and who grow vegetables for the ethnic market. Agricultural land is expensive in this County. It is nearly impossible to raise a family and pay a mortgage solely on the income from selling vegetables through CSAs and farmers markets. Therefore, these farmers must have another income source. They represent an important component of farming today and these farmers should be eligible for our membership. They would better reflect the diverse makeup of the County population and our rustic roads users.

We ask that if language about Committee membership is included in the Plan, that our view be included in the Equity section, describing the lack of diversity that has resulted from the Committee’s current membership requirements, and that the Implementation chapter recommend the changes above.

ACKNOWLEDGEMENTS

I want to thank Gwen Wright, who was a major force behind this program from its very beginning when she was appointed to the 1989 Task Force that recommended that this program be created. Director Wright was the person at the Planning Department with the deepest understanding of our program, and was and is a strong supporter of the program. Her legacy lives on in this Master Plan.

CONCLUSION

Rustic Roads are important economic assets to the County, contributing to the \$376 million of annual Heritage Tourism spending. They are valuable to quality of life for residents and visitors. Rustic Roads provide access to many types of recreation. The Rustic Roads Advisory Committee has worked very hard to ensure that this valuable program works well and works for all users of our roads.

Thank you for hearing our position and our concerns with this Draft. We may hear comments this evening we have been unable to address, and therefore we ask that the Hearing Record be kept open until 5 pm on Monday, November 21 so that we may address any additional concerns. We are available to provide additional information and answer questions. Please contact us through our Staff Coordinator Darcy Buckley at Darcy.Buckley@montgomerycountymd.gov.

We wish to incorporate by reference the Tree Trimming Guidelines, a list of Additional Recommendations for the Master Plan, a briefing paper on DBU Roads, and an Addendum on Maintenance as part of the Hearing Record.

Committee Members:

Laura Van Etten, Chair

N. Anne Davies, Barbara Hoover, Charles Mess,
Kamran Sadeghi, Dan Seamans, Elena Shuvalov

Montgomery
Countryside
Alliance 

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**MONTGOMERY
PRESERVATION**
MONTGOMERY PRIZE
• 2019 WINNER •

Public Hearing Draft Rustic Roads Functional Master Plan

RUSTIC ROADS ADVISORY COMMITTEE PRESENTATION

NOVEMBER 17, 2022

DAVIS MILL ROAD

STREAM RESTORATION by PARKS

Feb – Oct 2022



W-BEAM AND ROAD SURFACE

Tar & Chip Sealant = Faster & Cheaper



MOORE ROAD

Site Visit

October 3, 2022

to address issue of
standing water on
roadway





BROWN STREET NAME SIGNS WITH LOGO

A County appropriation started this program years ago. It is over half completed and MCDOT committed to finishing it. However, very few of the rest of the signs have been installed.



RRAC Tent at MCA Ride for the Reserve

Our roadway engineer member Kamran Sadeghi preparing to ride in the event, here in front of our public outreach booth.

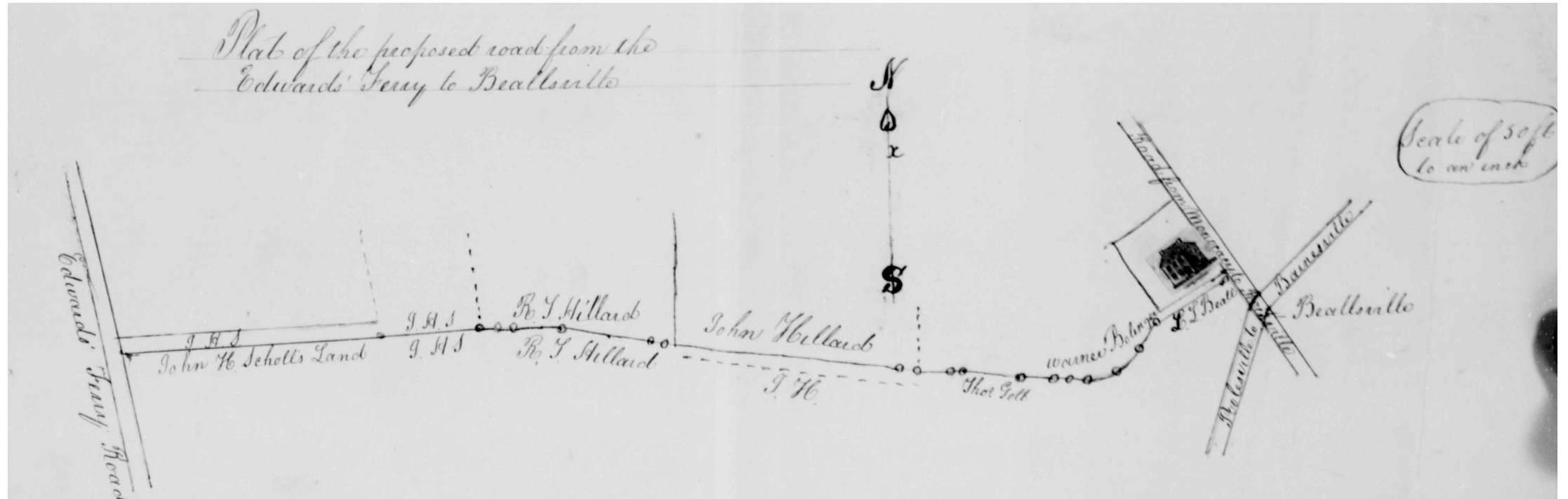




**HERITAGE
MONTGOMERY**



Plat for West Hunter Road



CHAPTER 50. Subdivision of Land

Division 50.4 Preliminary Plans

B. The drawing. The subdivider must submit a preliminary plan drawing in a form required by regulations of the Board. Details and information must include:

5. existing scenic easements, scenic vistas designated by the Rustic Roads Plan, or designated historic resources;

49.79.01.04 Maintenance and improvement guidelines

I. Maintenance of Rustic and Exceptional Rustic Roads

A. Roadway and Bridge Maintenance

1. Level of Maintenance

A rustic or exceptional rustic road will receive the level of maintenance as necessary to assure its continued viability as a transportation facility and to allow for safe travel by motorized vehicles, and agricultural equipment. Maintenance will be provided at a level no lower than existed at the time of designation, while still preserving the rustic qualities of the road.

2. Regular Maintenance

The rustic or exceptional rustic road classification will not exclude roads from regular maintenance.

Measuring Tree Limb Heights





PennState

Center for Dirt and Gravel Road Studies



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Better Roads, Cleaner Streams

PA's Dirt Gravel and Low Volume Roads (DGLVR) Program provides local road-owning entities with grant funding for road and environmental improvements on unpaved and low-volume paved roads.

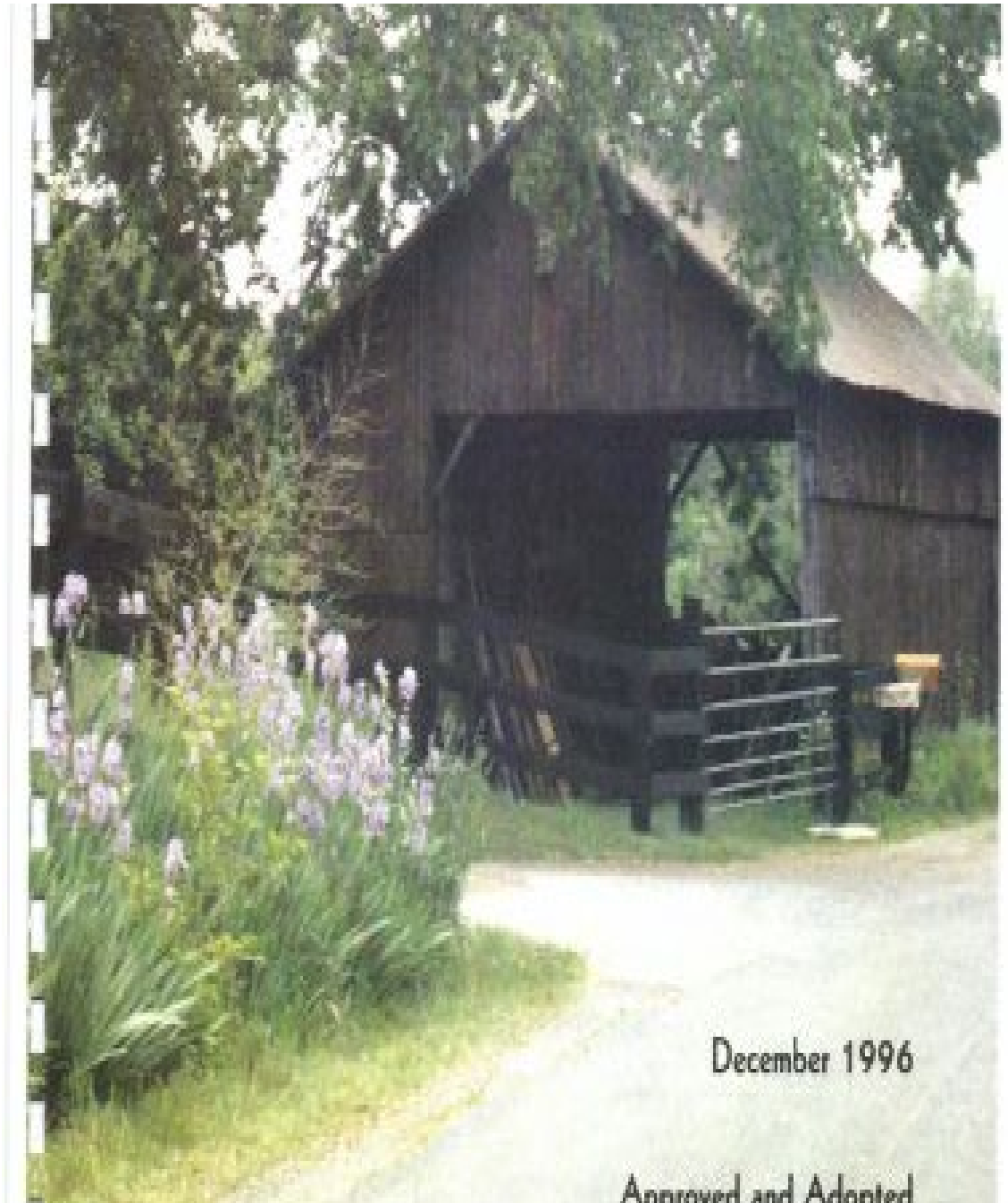
[MORE INFO](#)

MCDOT Wins Montgomery Preservation Inc. Award for Montevideo Bridge



Cover of 1996 Plan

This document provides information about the program, its intent, history and regulations, as well as descriptions of the initial 66 roads designated under the program.





ADDITIONAL RECOMMENDATIONS OF
THE RUSTIC ROADS ADVISORY COMMITTEE
for inclusion in the
RUSTIC ROADS FUNCTIONAL MASTER PLAN

The Rustic Roads Advisory Committee requests the following important changes and additions to the RRFMP. This memorandum is to be included as part of our testimony on Nov. 1, 7 2022.

Significant Features (S.F.)

- **Mt Nebo Road** – please list 2 one-lane culverts as S.F. (not in bridge book and road not driven for traveling experience update)
- **Glen Mill Road** rustic section -- please add the hedgerows as S.F. and to the map -- mentioned in environment section
- **Mt Carmel Cemetery Road** -- please add the mature trees on the south side as S.F.
- **Oak Hill Road** – please add mature trees to map northwest of power lines
- **West Hunter Road** – please add language to S. F. and also add to the map: “roadside vegetation and mature forest east of Hilliard Farm on south side of road” (the forest does appear on the map)
- **Kings Valley Road** – Please add back “historic alignment including a jog in the road at Kingstead Road” to S.F.
- **Lewisdale Road** – please add hedgerows to S.F. as mentioned in traveling experience and as located on map

Bridges

- **Wildcat Road** – please add Bridge No. M-0068 in traveling experience

Other

Batchellors Forest Road

Road profile, Traveling Experience currently reads:

The Bicycle Master Plan recommends a sidepath along Batchellors Forest Road from an existing off-street trail just south of Batchellors Run to Farquhar Middle School.

Recommended text:

A natural surface trail extends north from Farquhar Middle School to connect the residential area to the school. Extending the trail across the school frontage to the entry sidewalk would allow students living to the north to walk to school. The Bicycle Master Plan recommends a sidepath along Batchellors Forest Road from an existing off-street trail just south of Batchellors

Run stream crossing to Farquhar Middle School. Due to mature trees and forest beside the roadway, conservation easements, steep grades and limited right-of-way, a continuation of this natural surface trail has been recommended.

Brighton Dam Road (Bordly Drive to New Hampshire Avenue)

This nominated road segment meets the criteria for a rustic designation and it should so be designated. Staff does not recommend it for rustic due to concerns about non-local traffic, flooding and a power substation near the road.

- Regarding non-local traffic, a 7-day traffic count beginning on Dec 3, 2020 found an average daily traffic count of 1,295—less than half of the traffic volumes (3,000 AADT) normally considered problematic. According to SHA data, pre-pandemic traffic on Bordly Drive was 1,930 trips per day, and the exceptional rustic section of Brighton Dam Road was 752. These numbers are all well under the 3,000 AADT threshold recommended in 1996.
- Regarding flooding, this is one of many county roads subject to flooding. Other well-known examples, large and small, are US 29 at Northwest Branch (Burnt Mills), New Hampshire Avenue at Sligo Creek, rustic Glen Road at Sandy Branch, and rustic Zion Road at the Hawlings River. MCDOT recently deployed 34 flood sensors to provide early warnings. If flooding is the reason for not designating this road as rustic, one possibility would be to include language noting that flood safety improvements should not be limited due to the rustic classification of the road.
- Regarding the power substation near the road, staff's description indicates that the road base has already been modified to accommodate the substation equipment. Thus, it is not clear what new impact the substation will have on the road.

This section of Brighton Dam Road meets the criteria for designation as rustic, and there is no clear reason for not designating the road. We recommend that it be designated as rustic.

Schaeffer Road (extent change proposed by staff)

The extents of Schaeffer Road are proposed to change from the South Germantown Rec Park (Soccerplex) entrance to rustic Burdette Lane. Staff notes that with the park construction, the section of Schaeffer Road between the entrance and Burdette Lane was widened and improved, so this section of road is not as rustic in appearance as the rest of Schaeffer Road.

- This section of Schaeffer Road still meets the rustic criteria, even if the rustic character of the road has been diminished. Maintaining this section as rustic limits further “creep” of road widening, and it also protects Burdette Lane, which leads to an historic African American community, Brownstown, where Burdette Lane intersects with rustic Black Rock Road.
- Removing the rustic designation from this section may also revive a dormant idea—to add another Soccerplex entrance at the intersection of Schaeffer Road and Burdette Lane. The risk of adding periodically extreme amounts of traffic onto Schaeffer Road, Burdette Lane and Black Rock Road is unsafe and unnecessary.

Keeping the existing rustic designation is recommended.

Thank you for providing the Committee the opportunity to present our views.

You may reach the Committee through our staff coordinator, Darcy Buckley, at Darcy.Buckley@montgomerycountymd.gov.



RUSTIC ROADS ADVISORY COMMITTEE



Guidelines for Foliage and Tree Maintenance on Rustic Roads

In order to protect the natural beauty of Montgomery County's Rustic and Exceptional Rustic roads, the Montgomery County Department of Transportation (MCDOT) and the Rustic Roads Advisory Committee (RRAC) commit to work together on foliage and tree maintenance on rustic roads. Both parties agree that the top MCDOT priority must be the safety of the citizenry, and the next important focus is maximizing tree canopy cover in Montgomery County.

- Roadside and tree trimming process -- The MCDOT arborist will review and assign all hedgerow and tree trimming requests on rustic roads, regardless of the existence of significant features. No other MCDOT offices or parties should undertake hedgerow or tree trimming on rustic roads without direction from the MCDOT arborist. No routine trimming will be performed through 311. Emergency situations may precipitate immediate action and, in those situations, it may not be practical or safe to wait for an arborist inspection before the hazard is abated. Trees cut down and other trimming debris will be removed within 30 days of the trimming.
- Notification -- The MCDOT arborist will notify RRAC at least 30 days in advance of scheduled maintenance on a rustic road with protected tree and vegetation features so that the Committee may offer guidance on protected significant features. A subcommittee will conduct a site visit to the specific location within 30 days or as soon as possible after notification; it is understood that the planned maintenance work may occur later than that. A list of rustic roads is found here which can be checked for significant features: <https://montgomeryplanning.org/wp-content/uploads/2020/03/RRFMP-combined-roads-list-20200317.pdf> (this online resource will be updated as appropriate). RRAC will review roads identified by the Office of Agriculture as frequently used for the passage of farm equipment every year between May and July and will advise the MCDOT arborist of specific locations where tree pruning is approved in advance by RRAC.
- Emergency removal of downed or dangerous trees -- If tree or brush removal is done on an emergency basis in response to a 311 request for a tree down across a rustic road, and not through the office of the MCDOT arborist, the trees cut down and other debris as trimmed by the Depot crew or other MCDOT staff during the emergency will be removed within 30 days of the trimming. RRAC recognizes that emergency situations will not proceed on the normal basis of notice and review and may arise through 311, MCPD, or FRS Personal Injury Collision.

- Desirable vegetation -- Natural fence lines and hedgerows should be preserved. Mature and specimen trees, stands of trees, and forested areas should be preserved, even if not protected features. Exceptions may be made for sight distance requirements after review by RRAC. RRAC will submit a list of locations with these features and will update the information as appropriate.
- Tree canopy -- This should remain as undisturbed as possible and may be pruned up to a height of 16 feet. On roads where the movement of farm equipment necessitates it, tree canopies should be trimmed up to a height of 18 feet overhead, and to 16 feet at the edges of the road.
- Road edge and shoulders -- Grass mowing and brush removal of specimens under 4 inches in diameter should be done within a zone no further than 6 feet from the edge of the pavement. Exceptions may be made for sight distance requirements after review by RRAC. If MCDOT intends to trim in a greater area than these measurements, notice will be provided to the Committee and the Committee will review the area within 30 days.
- Tree removal -- Removal of trees over 4 inches in diameter not dead or diseased should be upon the recommendation of the MCDOT arborist and reserved for safety reasons, such as trees at the edge of pavement on curves where there is a clear danger of vehicular impact or sight impairment, except in emergency situations.
- Evergreens -- Avoid single-sided trimming where unnatural forms are created where possible based upon rights-of-way limits and the need to maintain safe passage.
- Equipment -- The use of a brush cutting machine or vertical bush hog or brush hog will only be used where a hazardous situation must be abated. Hand trimming to clean up unsightly brush cutting will be undertaken in the following spring and summer.
- Visual impact -- Branches and tree debris from roadside pruning will be removed.

September 8, 2021



DEDICATED BUT UNMAINTAINED ROADS

Background Paper

November, 2022

There is no definition of a Public Road in the Code. Instead, the Code defines private roads, meaning all roads that are not private are public. The Committee does not support removing DBU roads from the Rustic Roads Program.

Definition of private road

Code section 49 – 26, entitled Definitions: “A private road means any road or any segment of a road, including any sidewalk, sidepath, or other area intended for pedestrian access adjacent to the private road that has not been deeded, dedicated or otherwise permanently appropriated to the public for public use or County maintenance. This is as amended by the Council in Bill 24-22 on 11/07/2022.

DBU roads are public roads

Thus, any road dedicated to the public use is a public road. The DBU program was established by the County in 2009. Dedicated But Unmaintained roads are public roads which are not entitled to County maintenance.

DBU roads in the Rustic Roads Program

In the Code section containing Definitions for rustic roads, it states: “*Rustic road* means an existing public road or road segment....” Therefore, a DBU road is qualified to be in the Rustic Roads Program. We have no official position regarding who maintains roads in the Rustic Roads Program. We have 5 DBU roads in the program and they all qualify for rustic designation. We have never voted to remove any of these roads from the program.

1. Belle Cote – A very short road with an historic alignment and a gravel surface; the property owners have done an excellent job of maintenance and even replacing a one-lane culvert. This road has ROW dedicated and was added to the Rustic Roads Program in 1997-98.
2. Bentley – A very historic road with several historic properties on it, and a Quaker heritage. The Bentley family is believed to have operated a stop on the Underground Railroad. This road was added to the Rustic Roads Program in 2015, using the extents (to the last property line on the road) provided by Randy Paugh, Chief of Pavement Management, MCDOT. The County Executive currently has a copy of an email from MCDOT saying that they maintain all of the road to the last driveway.
3. Old Orchard – This road was added to the Rustic Roads Program in 1997-98. When the DBU policy was created in 2009, the road had been receiving regular maintenance for over a decade. In 2021, MCDOT had roadway patching for this road in their budget, and the road was repaved in Nov. 2021, contrary to MCDOT policy regarding DBU roads.

4. Poplar Hill – This road was added to the Rustic Roads Program in 2002. MCDOT paved this gravel road in 2016, installing roadside swales, storm drains, and markers, contrary to MCDOT policy for DBU roads. MCDOT continues to provide regular maintenance of the road including snow removal.

5. Aitcheson (nominated) – An historic road with historic alignment, named for the original Scottish family. The Committee and Planning staff have recommended designation of this road up to the sign that says END OF COUNTY MAINTENANCE. None of the rustic portion of this road is on the DBU list.



ADDENDUM REGARDING ROAD MAINTENANCE

for possible Staff Report to Accompany RRFMP Update

Maintenance failure on Moore Road

Over the last 2 years on Moore Road, a farmer complained multiple times of standing water on the road, which was particularly dangerous during freezing temperatures. The farmer was told that the problem could not be resolved “because it is a rustic road.” Once our Committee became aware of this, we met with MCDOT Chief of Field Operations on the road, as well as with an engineer and two ranking Depot staff. It was determined that one culvert pipe had failed, and in addition to putting in that new pipe, two new culverts were needed. It is not the fault of the Rustic Roads program that MCDOT is not providing proper maintenance as required by Code.

River Road gravel surface renovation

River Road, an Exceptional Rustic Road, gravel between Whites Ferry Road to Edwards Ferry Road, was renovated this year by MCDOT. Unfortunately, MCDOT did not bother to review or use the Penn State training, and thus it resulted in a very poor job. Due to MCDOT’s inappropriate maintenance practices over the years of scraping gravel out to the edge of the road, they have created what is called an “entrenched road,” where the roadsides are higher than the road. This basic defect needs to be corrected so that water can flow from the road into the grasses on the roadside. RRAC is preparing a memo to MCDOT regarding the appropriate practices per Penn State University.

Tree trimming needs on many County roads

Tree trimming needs are not specific to rustic roads. RRAC was able to negotiate with MCDOT in 2021 to trim if Committee members drove the roads to identify the specific locations where trimming was needed. A list of rustic roads where large ag equipment needed to travel was provided to us at our request by OAG. For 2021 and 2022, there has been a 100% success rate in resolving tree limb problems on those roads. Unfortunately, OAG left some roads off that list, providing them with an opportunity to criticize the lack of trimming on those roads. We greatly appreciate the help of the MCDOT Arborist section in getting this work done, but question why there cannot be routine tree trimming on roads used by ag equipment in general, including rustic roads.

Dust suppressant for gravel roads

The Committee worked closely with MCDOT on this, changing over from Magnesium Chloride to liquid Calcium Chloride.

Cost effectiveness and faster application of Tar & Chip Sealant

During the renovation of Davis Mill Road near Butler’s Orchard, our Committee recommended the use of the brown W-beam guardrails as is appropriate on rustic roads, and Tar & Chip Sealant over the road after all work was completed as is necessary to repair surface damage to the road. This was a Parks Department project involving stream relocation so that the washout under the road could be backfilled. We were accused of holding up the process by asking for Tar & Chip Sealant over Asphalt. Asphalt is more expensive and takes longer to apply than Tar & Chip Sealant.

From: susanhanson@ruralroadsfrederickmd.org
To: [MCP-Chair](#)
Subject: Support for Montgomery County's Rustic Roads Program
Date: Wednesday, November 16, 2022 11:53:18 AM
Attachments: [image001.wmz](#)
[image002.png](#)
[oledata.mso](#)

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

Friends of Rural Roads

3205 Poffenberger Road
Jefferson, MD 21755

November 16, 2022

Dear Members of the Planning Commission:

Friends of Rural Roads, a rural roads advocacy group from Frederick County, MD, has benefitted greatly from advice and expertise from your staff, current and past, of the Rustic Roads Program. We have incorporated much of your Program into both our county's 20-year-old Rural Roads Program, and assistance and encouragement from staff on how to improve our revised Program. Following your leadership, our Rural and Scenic Advisory Program Rewrite Committee recommends moving our Program to Planning from Public Works. Additionally, it recommends establishing an oversight commission to work with Planning and DPW to oversee smooth operations and compliance.

Montgomery County leads the State in this preservation and promotion effort. Despite exponential growth pressures, the successes and aligned initiatives both within Montgomery County, Maryland, and the DMV Region have again reaffirmed your leadership. Thank you!

There are several State and Regional Initiatives that align themselves with a strong Rustic/Rural Roads Program. These include:

[Tree Solutions Now Law](#), the initiative to plant 5 million new trees. On little roads, trees ARE traffic calmers, so planting trees in the right-of-way is both a way to plant trees and to keep little roads safer.

[Riparian Buffer Protection Initiatives](#) help preserve the creek side vegetated areas, many of which are located along our rural and rustic roads.

[Towards a Zero Death Policy](#) – "Increasing real and perceived safety for people walking and bicycling is a key step in enabling more people to chose clean air modes of transportation."

Complete and Green Streets Policy – defines Complete Streets as roadways for all users. The Complete Streets solutions will always complement the context of the community and never detract from it, and incorporates best management practices.

Maryland Byways Context Sensitive Solutions – sustaining the roads less traveled. Maryland State Highway Administration’s planning guide to help preserve maintain and enhance Maryland’s byways. It defines these efforts in terms of the road’s use patterns. This bifurcated image allows different guidelines for different types of roads. This is a huge success!

In conclusion, Friends of Rural Roads has benefitted from your Rustic Roads Program and the staff who are willing to share and encourage our road preservation efforts. We are very indebted to you for this help. We look forward to working together to build networks and loops that value and showcase our slow roads. Roads are the connection between our historic sites. They continue to be part of the story. I hope that you will continue your support of this essential part Montgomery County’s Rural Legacy.

Happy Trails!

Susan Hanson,

Spokesperson, Friends of Rural Roads

Honorary Members

Barry O’Toole Lucey
Dean Fitzgerald
Anne Gibson Snyder
Cam Miller
Harry Richardson Jr
Harriet Wise
Dr. George E. Lewis Jr

Advisory Board

Peter Pearre
Pam Burke
Kathy White
Sam Castleman
Susan Hanson
David Hunter
John Hanson
Tiffany Ahalt
Dustin Hurt

-

From: [Dolores Milmo](#)
To: [MCP-Chair](#)
Subject: CORRECTED TESTIMONY Please Support Rustic Rds
Date: Wednesday, November 16, 2022 12:16:12 PM

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

Dear Planning Chair Zyonst and Planning Board members,

First, we want to say how much we appreciate your stepping up to keep Montgomery's Planning process in full swing.

We are writing as long time residents and farm owners in the nationally recognized Agricultural Reserve.

From its inception the Rural and Rustic Roads Master Plan has played a significant role in the protection of upper Montgomery County as a regional asset and economic draw for many in the Metro region.

These designated narrow roads with many agricultural vistas and historic sites is much cherished by the community as well as those who seek recreation and a natural world not far from our urban core.

Over the years, there have been efforts to modernize and widen these roads. But thankfully wisdom has prevailed and the roads remain narrow and safe, carrying traffic at a slower, pace.

These roads also compliments the many burgeoning vineyards, wineries, orchards, stables and art tours which have made the Ag Reserve a destination for many in the DMV. Heritage Tourism is booming here.

They are an important network for scenic byways while also protecting our tree canopies, stream valleys and wetlands with their narrow footprint.

We have been especially involved with St Paul's Community Church, now the Sugarland Ethno-History Projecy, founded by the freed slave community whose descendants still live along the designated Sugarland Road and Sugarland Lane. It is such a "Jewel in the Crown" of the County's history and its rustic roads are an integral part of its setting.

With this Master Plan update we ask that you please ensure the County's stewardship will continue to safeguard these roads into the twenty first century.

Sincerely,
Dolores Milmo
Gregory Milmo, MD
18801 River Rd
Poolesville Md 20837

From: Dolores Milne
To: MCP-Chat
Subject: Slides for Rustic Rds testimony 11/17
Date: Wednesday, November 16, 2022 3:49:18 PM

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

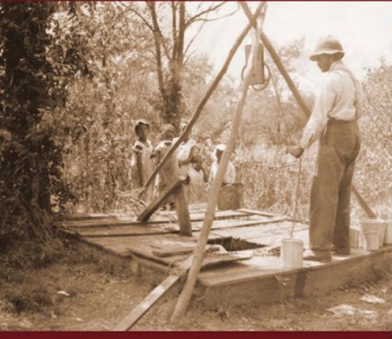
Melissa, Here are 4 slides in the order of presentation. Can they be shown all together on one screen or should I make a power point?
They could be shown top two together and then bottom two perhaps if sharing one screen??
Thanks, Dolores 301-633-8719





**I HAVE STARTED
FOR CANAAN**

THE STORY OF THE AFRICAN AMERICAN TOWN OF SUGARLAND



THE SUGARLAND ETHNO-HISTORY PROJECT

