### Item , - 5HUWa Ybh6&

From:	Helen Pauler
То:	Pratt, Jamey; Duke, Roberto; MCP-Chair
Cc:	Peter Ciferri
Subject:	Rustic Road Nomination for Gregg Road, between Riggs Road and Zion Road
Date:	Wednesday, November 2, 2022 10:53:29 AM
Attachments:	2022-11-2 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 DIRECT DIAL: 240-778-2312 7811 Montrose Road • Suite 400 • Potomac, Maryland 20854 P: <u>301.251.1180</u> • F: <u>301.251.0447</u> • <u>mcmillanmetro.com</u>

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## McMillan Metro, P.C.

November 2, 2022

Peter E. Ciferri Partner

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

Maryland Bar District of Columbia Bar

#### Via E-mail Only

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

Mr. Jeff Zyontz, Chair 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 (*MCP-Chair@mncppc-mc.org*)

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

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

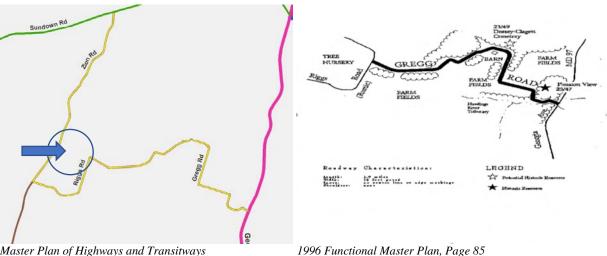
Please accept this request to nominate a portion of Gregg Road, beginning at Riggs Road and ending at Zion Road, for designation as a Rustic Road in concert with the ongoing update to the 1996 Rustic Roads Functional Master Plan (the "1996 Functional Master Plan"). This letter is intended as a formal comment and request to revise the working draft of the 2022 technical update to the Rustic Roads Functional Master Plan, to include this segment of roadway as Rustic Roads designated in the final version of the Master Plan transmitted to the County Council for adoption. We will further support this request and any questions during the Planning Board's November 17 public hearing regarding the master plan update.

This request for nomination is made by Alder Energy Systems, LLC ("Alder Energy"), and with the consent, support, and authorization of Gregg RD, LLC, the property owner. Alder Energy is the lessee of certain property located on Gregg Road, and known as Parcel 115 and Parcel 320, Olney Election District 08 (Tax ID Numbers 08-00711986 and 08-01925324) (the "Subject

Maryland-National Capital Park & Planning Commission Montgomery County Planning Board, M-NCPPC November 2, 2022 Page 2

Property"). Alder Energy is preparing a Conditional Use application to use the Subject Property as a Solar Collection Facility in the AR Zone. Undersigned counsel represents Alder Energy. Alder Energy also presented this proposal to the Rustic Roads Advisory Committee on September 29, 2022, and October 27, 2022. As a result of those meetings, we anticipate that the Rustic Roads Advisory Committee will deliver a letter of support for this nomination prior to the Planning Board's November 17 meeting.

As part of Alder Energy's preparation of its Conditional Use application, it was identified that the 1996 Functional Master Plan recommended designation of only portions of Gregg Road as rustic: "As far west as Riggs Road". See 1996 Plan, pages 84-85. The Functional Master Plan also designates the connecting portions of Riggs Road and Zion Road as Rustic Roads. See 1996 Plan, pages 136-37 and 188-89. To this day, only Gregg Road from MD-97 to Riggs Road is designated Rustic Road. There is no explicit basis stated within the 1996 Functional Master Plan for omitting this portion of Gregg Road. However, the effect of this omission is that this small portion of Gregg Road between Riggs Road and Zion Road is connected entirely to designated Rustic Roads.



Master Plan of Highways and Transitways

Maryland-National Capital Park & Planning Commission Montgomery County Planning Board, M-NCPPC November 2, 2022 Page 3

As all of the surrounding roads are designated as Rustic Roads, our request is to correct the earlier omission and complete the "donut" by designating this additional portion of Gregg Road. The remaining portion of Gregg Road, beginning at Riggs Road and ending at Zion Road, meets the criteria for rustic roads under the Montgomery County Code, Article 8, Section 49-78. Specifically:

(1) is located in an area where natural, agricultural, or historic features are predominant, and where master planned land use goals and zoning are compatible with a rural/rustic character;

All of the land surrounding this portion of roadway is AR Zoned. The Planning Board's working draft of this Functional Master Plan is perhaps the best evidence that area master planned land use goals are met by designating the remaining portion of Gregg Road. As noted above, the connecting portions of road surrounding it have already been designated as Rustic through the 1996 Plan. In the working draft, Gregg Road to Riggs Road; and Riggs Road from Zion Road to Gregg Road, are each recommended to be promoted to "Exceptional" Rustic. *See, e.g.*, 2022 Draft Plan at page 30. Thus, it would support the goal of preventing negative improvements to the physical conditions of those connecting roads to preserve this middle portion.

(2) is a narrow road intended for predominantly local use;

This portion of Gregg Road can only be accessed through the Rustic Road portions of Gregg Road, Zion Road, and Riggs Road, and is improved in substantially the same condition and road width as those segments. It adjoins approximately six residences and Gregg RD, LLC's agricultural property, and is thus predominantly for local use.

(3) is a low volume road with traffic volumes that do not detract significantly from the rustic character of the road;

As noted above, this portion of road predominantly serves one agricultural property and six adjacent residences and is therefore a low volume road.

(4) (A) has outstanding natural features along its borders, such as native vegetation, stands of trees, stream valleys;
 (B) provides outstanding vistas of farm fields and rural landscape or buildings; or
 (C) provides access to historic resources, follows historic alignments, or highlights historic landscapes; and

Maryland-National Capital Park & Planning Commission Montgomery County Planning Board, M-NCPPC November 2, 2022 Page 4

This segment of Gregg Road is tree lined to the south and adjacent to the agricultural property owned by Gregg RD, LLC. It provides access to the nearby Clover Hill Master Planned Historic Site (located on Zion Road), and is well aligned with the other Rustic Roads in the region. It is difficult to tell any distinction between this portion of Gregg Road and the adjacent portions of rustic roads, including the interconnecting Gregg Road and Riggs Road portions. Observationally, it is nearly impossible to discern where the current "Rustic" portions end and the un-designated portions begin. This additional portion of Gregg Road should be designated as a rustic road as it is the missing link to connect the previously designated Rustic Roads throughout this rural area.

Presently, this portion of Gregg Road has no specific designation on the County Master Plan for Highways and Transitways. Even if construed as a "Country Road", the current Complete Streets standards would suggest that this portion of Gregg Road, albeit surrounded entirely by Rustic Roads, could be improved with an incompatible wider right-of-way, shoulders, buffer path, bikeway, maintenance buffer, and side path. The result in this neighborhood could create an incompatible result, with no prospect for future interconnection as all adjacent roads are already protected.

(5) the history of vehicle and pedestrian accidents on the road in its current configuration does not suggest unsafe conditions.

No history of unsafe conditions or pedestrian accidents has been reported to us.

For the foregoing reasons, and any additional testimony presented, we respectfully request that the Planning Board include a recommendation to the County Council for inclusion of this portion of Gregg Road, in its transmittal of the updated 2022 Rustic Roads Functional Master Plan. Thank you for your consideration.

Sincerely,

McMillan Metro, P.C.

Peter E. Ciferri, Esq.

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

From:	Dan Seamans
To:	MCP-Chair
Cc:	Pratt, Jamey; <u>Charles Mess; Anne Davies; Jane Thompson; Barbara Hoover; Buckley, Darcy B.; Kamran Sadiqi;</u> Leslie Saville; Laura
Subject:	RRFMP - Request to have a section of Gregg Rd designated as an Exceptional Rustic Rd.
Date:	Wednesday, November 2, 2022 9:10:52 AM

Chair, Mont. Co. Planning,

Please be informed that at a Meeting of the Rustic Roads Advisory Committee held on October 27, 2022, the Committee voted to approve adding a section of Gregg Rd. as an Exceptional Rustic Rd.

Gregg Rd. is currently designated an Exceptional Rustic Rd. in its section from the east at Riggs Rd. to its eastern terminus at Georgia Ave. and has been so designated a number of years in the RRFMP. Committee Members knowledgeable of the features of the entire length of Gregg Rd. find little or no significant features differentiating the undesignated section from the Exceptional section. Planning Staff could find no record of why the section was left without designation.

The Committee therefore requests that the remaining section of Gregg Rd from Riggs Rd. to Zion Rd, at its western terminus, is designated an Exceptional Rustic Rd.

Thank you,

Dan Seamans Member, RRAC

From:	Buckley, Darcy B.
To:	MCP-Chair
Cc:	Pratt, Jamey; Duke, Roberto; Zeigler, Donnell; Butler, Patrick
Subject:	RRAC: Gregg Road Rustic Designation
Date:	Monday, November 7, 2022 10:33:48 AM
Attachments:	RRAC GreggRd Rustic Designation 110722.pdf

Good morning, Please see the attached correspondence from the Rustic Roads Advisory Committee regarding Gregg Road. Thank you, Darcy

Darcy Buckley, AICP Rustic Roads Advisory Committee, Staff Coordinator Planning and Communications 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



November 7, 2022

Jeff Zyontz, Chair, and Commissioners Presley, Branson, Hill, and Piñero Montgomery Planning Board 2425 Reedie Drive, 14<sup>th</sup> Floor Wheaton, MD 20902

Re: Gregg Road Rustic Designation

Dear Planning Board Commissioners:

Gregg Road is currently designated Rustic between Riggs Road (rustic) and Georgia Avenue (MD-97). At our October 27, 2022 regularly scheduled meeting (virtual), the Committee voted to recommend rustic designation for the remaining section of Gregg Road between Zion Road (rustic) and Riggs Road. This action was undertaken at the request of Alder Energy, a firm seeking to install Community Solar pursuant to Conditional Use approval.

The Committee views this section of Gregg Road to be consistent with the criteria for designation as rustic. Planning Department staff could find no record of why this section was left without the rustic designation.

We are clarifying the position of the Committee following an email sent on November 2, 2002 by a Committee member which contained inaccuracies.

Please feel free to contact us through our staff coordinator, Darcy Buckley, at <u>Darcy.Buckley@montgomerycountymd.gov</u>.

Sincerely,

Joeen Van Zean

Laura Van Etten, Chair

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





cc: Jamey Pratt, M-NCPPC Roberto Duke, M-NCPPC Don Zielger, M-NCPPC Patrick Butler, M-NCPPC

montgomerycountymd.gov/311



240-773-3556 TTY

From:	Bev Thoms
То:	MCP-Chair
Cc:	Bev Thoms
Subject:	November 17, Rustic Roads Functional Master Plan,
Date:	Wednesday, November 9, 2022 11:15:10 AM

Hello,

My family has lived on our farm on Big Woods Road, a designated Rustic Road, since 1974. Because of this designation, the road is a beautiful canopied, narrow country road which slows traffic enough that we can access our pastures with farm equipment and encourages its travelers to enjoy the view scape. We raise sheep for fiber, and I am a feltmaker with a studio in our barn. My customers - mostly from the urban and suburban reaches of our county and Frederick County- love the beauty and quietness of traveling to my studio. It is part of the appeal. It attracts customers to my business. The program makes the rural part of the county, rural - where cyclists can enjoy their sport in relative safety, and urban dwellers can commune with the natural world. Society needs this.

I totally support the Rustic Roads program. Please see that it is continued.

Bev Thoms 21700 Big Woods Road Dickerson, MD 20842

Scheffel, Mike
<u>MCP-Chair</u>
jeremy.criss@montgomerycountymd.gov; Butler, Patrick; Pratt, Jamey; Duke, Roberto; Zeigler, Donnell; Beall, Mark
Montgomery Agricultural Preservation Advisory Board Testimony re: RRFMP Update Public Hearing November 17, 2022 item 7
Wednesday, November 9, 2022 11:43:24 AM
APAB letter RRFMP update 3 10 2022.doc APAB letter RRFMP update RRAC proposals.doc

Good morning,

Please accept these two attachments as testimony from the Montgomery Ag Preservation Advisory Board for the November 17, 2022, public hearing on the RRFMP update.

Thank you,

Mike

Mike Scheffel Office of Agricultural Services, Agricultural Land Preservation Program Administrator 18410 Muncaster Road Derwood, Maryland 20855 301-590-2856 (Office) 443-487-2971 (Cell) mike.scheffel@montgomerycountymd.gov http://www.montgomerycountymd.gov/agservices CONNECT WITH The Office of Agriculture Montgomery County Ag Reserve 93,000 acres

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#### AGRICULTURAL PRESERVATION ADVISORY BOARD

March 10, 2022

Mr. Roberto Duke, Mr. Jamey Pratt, Mr. Patrick Butler The Maryland-National Capital Park and Planning Commission 2425 Reedie Drive Wheaton, MD 20902

Re: Rustic Roads Functional Master Plan Update

Dear M-NCPPC Staff,

The Montgomery County Agricultural Preservation Advisory Board discussed the Rustic Roads Functional Master Plan update during its March 2022 meeting and writes to provide comment to staff about the update.

The agricultural community appreciates the rural backroads of the Ag Reserve. They feel like home for the farmers and visitors of the County. However, they create challenges for farmers who rely on the roads to conduct the business of farming, the primary and preferred land use of the Ag Reserve, where the majority of the rustic roads are located.

The challenges to farmers created by implementation of the functional master plan include lack of tree trimming, unsafe road conditions, and no or very little shoulder area, all of which combine to make moving farm equipment and tractor trailers dangerous. Commodity farming is the largest land use in the Ag Reserve. Modern farm equipment is large and expensive. Tree branches from low-hanging trees and brush that encroaches on the roads damage farm equipment and limit sight distances.

The lack of maintenance surrounding the rustic roads creates challenges for the safe movement of school buses and emergency services equipment. If a bus or fire engine encounters a tractor or combine harvester on a rustic road neither vehicle can proceed without one backing up an creating an opportunity to pass

Other operations in the Ag Reserve are similarly impacted. Deliveries of Leaf-gro from the Dickerson compost facility to small scale tabletop producers encounter the same challenges on the rustic roads. Increased traffic from an expanding agritourism sector exacerbates an already stressed road network and creates additional safety hazards for farmers, residents, and visitors alike. If businesses cannot get customers to their doors, the agricultural economy will suffer.

For these reasons, the implementation of the Rustic Roads Functional Master Plan is a significant challenge to the County's agricultural community. The Board believes there can be compromise in how the rustic roads are maintained without jeopardizing their rural character. This compromise is codified in the executive regulations governing the Rustic Roads Program, which provide that designated rustic roads must receive the level of maintenance necessary to "allow for safe travel by motorized vehicles, and



#### AGRICULTURAL PRESERVATION ADVISORY BOARD

Messrs. Duke, Pratt & Butler Page 2 of 2 March 10, 2022

agricultural equipment," and that maintenance be "provided at a level no lower than existed at the time of designation, while still preserving the rustic qualities of the road." COMCOR Chapter 49.79.01.04.

Famers rely on the network of roads both rustic and non-rustic to move their product and to bring in customers. The Board believes a renewed effort to keep the rustic roads maintained in a safe manner for the passage of farm equipment should be a priority for the Rustic Roads Functional Master Plan Update. The Board recommends that no more roads be designated as rustic or exceptionally rustic until which time the currently designated rustic and exceptionally rustic roads are maintained in a manner that will allow the safe passage of agricultural equipment and motorized vehicles.

We look forward to working with your team on the update.

Sincerely,

Wichel B. Jemison

Michael Jamison, Chairman

cc: Jeremy Criss, Director, Office of Agriculture Darcey Buckley, Department of Transportation Dale Tibbitts, Special Assistant to the County Executive Doug Lechlider, Chair, Agricultural Advisory Committee Mike Scheffel, Office of Agriculture

From:	Scheffel, Mike
To:	<u>MCP-Chair</u>
Cc:	jeremy.criss@montgomerycountymd.gov; Butler, Patrick; Pratt, Jamey; Duke, Roberto; Zeigler, Donnell; Beall, Mark
Subject:	RE: Montgomery Agricultural Preservation Advisory Board Testimony re: RRFMP Update Public Hearing November 17, 2022 item 7
Date:	Wednesday, November 9, 2022 3:09:51 PM
Attachments:	APAB letter RRFMP update RRAC proposals .doc

Good afternoon,

Please use this version of the letter from the APAB for the testimony. I apologize for the confusion.

Respectfully,

Mike

Mike Scheffel Office of Agricultural Services, Agricultural Land Preservation Program Administrator 18410 Muncaster Road Derwood, Maryland 20855 301-590-2856 (Office) 443-487-2971 (Cell) mike.scheffel@montgomerycountymd.gov http://www.montgomerycountymd.gov/agservices CONNECT WITH The Office of Agriculture Montgomery County Ag Reserve 93,000 acres Please take a moment to answer this quick satisfaction survey about our interaction today: https://forms.gle/yXhnxpQLtHgEPtBX6

Good morning,

Please accept these two attachments as testimony from the Montgomery Ag Preservation Advisory Board for the November 17, 2022, public hearing on the RRFMP update.

Thank you,

Mike Scheffel Office of Agricultural Services, Agricultural Land Preservation Program Administrator 18410 Muncaster Road Derwood, Maryland 20855 301-590-2856 (Office) 443-487-2971 (Cell) mike.scheffel@montgomerycountymd.gov http://www.montgomerycountymd.gov/agservices CONNECT WITH The Office of Agriculture Montgomery County Ag Reserve 93,000 acres

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Mike



#### AGRICULTURAL PRESERVATION ADVISORY BOARD

November 9, 2022

The Honorable Jeffrey Zyontz, Chair The Maryland-National Capital Park and Planning Commission 2425 Reedie Drive Wheaton, MD 20902

Re: Rustic Road Advisory Committee Proposed Amendments to the Rustic Roads Functional Master Plan – Committee membership make up and income requirements

Dear Mr. Zyontz,

The Montgomery County Agricultural Preservation Advisory Board – APAB is providing its comments on the above listed legislation.

The agricultural community continues to see the deemphasis of farming in the County. The Rustic Roads Advisory Committee (RRAC) has proposed amendments to remove the 50% income requirement of owner-operators of commercial farmland to come from farming. Once again, the concern of farmers is ignored from the RRAC. The agricultural community is tightly knit, and the farmers know who has applied for committee positions. Bona-fide farmers applied for positions on the Rustic Roads Advisory Committee and were not selected.

The farmers who applied for the committee met the income requirements and have served on other County committees. They have a unique perspective on farming in Montgomery County and how their operations are affected by rustic roads.

The RRAC must represent the concerns of the agricultural community as most of the rustic roads are in the Agricultural Reserve. If this committee wants buy in from the farmers, don't waive the income requirement. If the income requirement is waived, the farmers will feel once again this program is not designed to help but to hinder their industry. Proponents of these proposals say the committee has too much work to do with the current membership level and more members are needed. If this is true, why is the RRAC also recommending 19 new roads to be designated as rustic?

The APAB asks the Planning Board to maintain the current number of RRAC members as well as the income requirement for farmer members and not add additional roads as rustic.

Sincerely,

Wichel B. formison

Michael Jamison, Chairman

cc: Marc Elrich, County Executive Jeremy Criss, Director, Office of Agriculture

Hello,

I run Amaranth Acres, a small farm in Dickerson and we grow primarily South Asian vegetables for a 40 member CSA. We grow vegetables sustainably without using any kinds of chemicals. We also have chickens for eggs and goats for meat.

I am writing to you to show strong support for keeping W. Harris Road as a rural rustic gravel road. There are very few rural rustic roads that are as appealing with trees lining the road and native plants planted on the sides

The first thing people notice is how appealing, quietly beautiful the road is. It is like an advertisement for why there should be more trees along roads. When walking on the road, it feels a good 10 degrees cooler than the actual temperature.

Please keep the Rustic Roads Program in place and if possible encourage planting of more trees and native plants along these roads. They are truly an assent to the county.

Thanks Indhu Balasubramaniam 22814 W. Harris Rd. Dickerson, MD 20842

#### Good afternoon,

My name is Robert Baker and I am writing to express support of Montgomery county's Rustic Road program.

Our family farms Deere Valley Farm in Dickerson, Maryland. Deere Valley Farm raises beef cows and grows grain and hay spread across 2500 acres most of which is located in the Ag preserve of Montgomery county. My sons are the fifth generation to farm the land that is adjacent to Mouth of Monocacy Road, which is designated as a rustic road. We engage in agricultural business with many other farmers, land owners and family members along this stretch of road as well as other connecting Rustic Roads. Mouth of Monocacy road provides a scenic perimeter to the boundary of our farm. We adopted a portion of this road through the county Adopt-A-road program and take pride in its up keep. We would like to see the Rustic Roads continue to be maintained throughout the county.

Thank you

22919 Dickerson Rd Dickerson MD 20842

I'm sending links to two videos at the request of the Rustic Roads Advisory Committee. Please see below -

- Every Road has a Story <a href="https://youtu.be/elgc4F3LNmM">https://youtu.be/elgc4F3LNmM</a>
- Heritage Montgomery: Rustic Roads https://youtu.be/fjAWGz1GGoQ

Thanks, Darcy

Darcy Buckley Rustic Roads Advisory Committee, Staff Coordinator Department of Transportation Darcy.Buckley@montgomerycountymd.gov

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Dear MCP-Chair and Council,

In 1968, I moved to what is now the MoCo Ag. Reserve and started my farm life on PeachTree RD. During the first Earth Day, I decided I would try to help the Eastern Bluebird survive by putting up nest boxes. All of my " nest box trail" back then was put on what is today a treasured Rustic Road: PeachTree Rd, Harris Rd., Comus Rd. and White's Store Rd. Thankfully, the nest box trail was a success. But, the main reason it is still a success is because of the MoCo Rustic Roads Plan. Now when I drive all the Rustic Roads in my area, there are Eastern Bluebirds and other bird species in abundance.

One of my favorite Rustic Roads is Martinsburg RD. as you can drive along that road and see Eastern Bluebirds, Tree Swallows, Barn Swallows, Eagles and Turkeys from the comfort of your car. It doesn't get any better than that for an eighty year old birder.

I have attached a picture of a pair of Eastern Bluebirds in case you have never had the pleasure of " being with them". Please know you have an open invitation to contact me and I will be so happy to take you with me to have the experience of monitoring a nest box trail.

Please keep the beauty, diversity and " healing power" of our Rustic Roads by passing the updated Rustic Roads Functional Master Plan.

I wish you all the best on the Planning Board. May you be wise and think in terms of seven generations and more.

With appreciation for your time and consideration.

Anne Sturm P.O. Box Barnesville, MD. 20838



To the Chairman and the Planning Board of MoCo,

I am a Montgomery County Resident of 30 years, a retired orthopaedic surgeon, and an avid cyclist.

On the day I retired, I joined FIVE cycling groups. I ride 7000-8000 miles a year, many of them in our local TREASURE, the Ag Reserve.

I discovered the Ag Reserve right after retiring, and have spend countless hours (and miles) on the simply stunning and important Rustic Roads.

The farms are productive, active and pastoral.

The routes are beautiful every week of the year. Love last weeks ride? The same ride this week will look different, as the crops as well as woods go through their growth and death cycles.

I love the winter corn and bare fields as much as the full, tall green corn fields of August.

The historic stone fence on Martinsburg Road , with the three roads meeting at Washle, is especially lovely.

Outdoor activities and cycling are part of the amazing resources of our county.

The cycling community appreciates all of the local businesses in the Ag Reserve, and we frequent them for lunch and any needed supplies.

We are also all aware that the food on our tables comes from farmers and farms, who are incredibly important and to be supported.

I am happy to pay MD state taxes to keep this amazing gem pristene and intact. We love our local farmers and we love our rustic roads.

Please help to make sure that the Ag Reserve remains intact for the future

generations.

Please enjoy this short video taken from our 62 mile bike ride in the Reserve.



Regards,

Jessica Hirschhorn, MD hirhoward@yahoo.com

The above may be used/shown in a public forum.

To whom it may concern,

I enjoy bicycling on the beautiful, scenic, lightly travelled roads around Sugarloaf Mountain. I visit restaurants, stores and bring ecotourism dollars to the area because of these roads. These roads are historic and unique, as are the bridges, structures and landscapes along them. They are narrow, slow, and safe, leading to places of wonder--to views of Sugarloaf Mountain, to historic communities, both Black and White, past a one-room schoolhouse, a favorite barn or a row of 100-year old cedar trees.

These historic, scenic roads are valuable and irreplaceable, that they are integral to our working landscapes, rural areas and villages, and the functioning of the Agricultural Reserve. They strengthen our rural businesses including our farms, markets, orchards, stables, wineries, breweries and art studios along them. These roads are safely shared by all users, and their narrow pavements protect the water quality in our streams and reservoirs. Heritage tourism along these roads is an enormous economic asset for our rural economy. There are few roads which are safely shared by cars, cyclists, and pedestrians. The main reasons I regularly visit the area are: safety, and the beautiful natural scenery. Please help preserve these irreplaceable heritage roads.

Thank you,

Thomas Isidean 202-597-9451 <u>tisidean@gmail.com</u> Washington, DC

To Planning Board:

Many of us out here in the Agricultural Reserve deeply appreciate our country roads. I have a horse farm just off Comus Road and I use that rustic road for my horse trailer and for other farm related activities like hay delivery and feed pick-up.

I appreciate that the road is narrow and shady and I enjoy its broad curves, which slow drivers down so that they can appreciate the farming vistas. I do see large farm tractors and trailers loaded with grain successfully navigating Comus Rd. I was a member of two agritourism advisory committees organized by Montgomery County's Office of Agriculture, so I am quite familiar with the growing attraction and profits to farmers of agritourism activities—and if we turn our rustic roads into wide, straight runways, we lose an important part of the country charm that visitors to the Reserve are seeking.

Thank you, Ellen Gordon

<u>ellen@gordonballard.com</u>

301-814-1975

17401 Ryefield Ct

Dickerson, MD 20842

From:	Peter Coan
To:	MCP-Chair
Subject:	Rustic roads: Second submission with my mailing addressthank you.
Date:	Monday, November 14, 2022 10:26:08 AM

#### Hello!

I am an avid cyclist, and I am writing to tell you how special many of the roads in and around the Poolesville area are to me. Ever since I moved to Washington D.C. in 1987, I have regularly ridden out into Montgomery County, and have always realized what an incredible resource many of the roads are for recreational use. Just this past Saturday I rode from D.C. to Poolesville with friends, and was impressed to see several much larger groups of cyclists all doing the same thing: soaking up the beautiful weather on one of the last warm days of the year. Many of the wonderful roads of Montgomery County and the Ag. Reserve are intimately familiar to me and the cycling community in general. Wasche Road, Peach Tree Road, Willard and Hughes Roads, Sugarland and Big Woods Roads are just a few of the roads we regularly include in our route planning. I hope you continue to excel at maintaining these roads for the benefit of residents and cyclists alike.

Thank you, Peter Coan 3231 Worthington St. NW Washington, D.C. 20015

Mr Jeff Zyontz, I hope you are doing well. Please accept the attached comments on the Rustic Roads Master Plan update. Thanks,

Doug Lechlider Laytonsville Landscaping, Inc. 301-253-6081 November 14, 2022

Jeff Zyontz, Chair Montgomery County Planning Board

Re: Rustic Roads Master Plan Update

My name is Doug Lechlider. I am current chair of the Montgomery County Agricultural Advisory Committee-AAC. The following comments are my personal\_views as a farmer in Montgomery County.

I have lived in the Laytonsville area my entire life, except for a few years in Carroll County. I believe we have a beautiful county and I feel blessed to call it home. The Ag Reserve has been heralded as one of the best examples of land conservation policies in the country. It gives me a great comfort to know that my family will be able to continue farming in Montgomery County if they so choose.

As a farmer in Montgomery County, I wish to enter my comments on the Rustic Road Program. I think that the Rustic Roads Advisory Committee-RRAC, though well intentioned, may have lost its way.

The County Code Chapter 49-79 provides for Maintenance and Improvements and states the following:

Each rustic road and exceptional rustic road must be maintained and improved in a manner that preserves the road's significant features which the Council identified under subsection 49-78(d), but this requirement does not preclude improvements to promote safety or movement of farm equipment.

The Ag Reserve was created to protect farmland and agriculture, not rustic roads that I actually believe does preclude the safe movement of my farm equipment and agricultural products. It does not diminish the beauty of the area to permit trees and brush to be trimmed back or to allow for water drainage off the pavement. I acknowledge that maintenance along all County roads is the responsibility of the Montgomery County Department of Transportation-MCDOT and not the RRAC. The MCDOT needs the ability to fulfill its obligations without delay or influence from any segment of the County for the safe travel along all roads for all citizens.

However, I am concerned regarding the September 8, 2021, Guidelines for Foliage and Tree Maintenance on Rustic Roads proposed by the RRAC which can delay scheduled maintenance until the RRAC can offer guidance on protected significant features. If the foliage and trees along the rustic roads need to be trimmed to address the safe travel of our citizens, MCDOT needs the ability to get the job done without any delays.

The County leaders' first concern must be the safety of its citizens. Many would argue that the surrounding beauty of the area may be appreciated more if it could be seen past the overgrown underbrush that seems to be the focus of the RRAC.

I recently learned through the MCDOT that the RRAC has proposed two amendments to Bill 24-22 Streets and Roads that will change the membership requirements outlined below for the RRAC including the farmer members. It is my understanding the RRAC proposes to increase the total number of RRAC members from 7 to 9 members and proposes to remove the income requirements for the three farmer members serving on the RRAC.

#### Section 49-80 Rustic Roads Advisory Committee (a) Membership-----7 Voting Members

(1) 3 members who are owner operators of commercial farmland earning 50% or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee;

The above requirements for farmers members serving on the RRAC are extremely important to the Ag community. Agriculture is the primary business in the Ag Reserve. The farmers in the reserve were intended to have a voice on the RRAC in the issues that directly affect the business of farming including the transportation network of Rustic Roads that we must rely upon daily. Increasing the number of RRAC members from 7 to 9 members and removing the income requirements for farmers will only result in diminishing the farmers ability to advocate the needs of the agricultural community to the RRAC.

I think the residents of the Ag Reserve would be better served if the RRAC membership was retained at 7 members and the committee slowed down on the push to add 19 new roads to the Rustic Roads Master Plan. It is my understanding the RRAC believes that increasing the number of members from 7 to 9 members will help to address the growing workload of issues the committee is required to address. If the RRAC is concerned about the growing workload of issues they are required to address, the addition of 19 new roads will make their workload matters worse.

I further recommend that it would be helpful if a commodity farmer was required as one of the farmer members serving on the RRAC since commodity farmers use very large equipment on the transportation network of Rustic Roads from one farm field to another. All farmers, including commodity farmers, must be able to advocate their needs to continue farming in Montgomery County.

It may be time to evaluate whether this committee is functioning to the betterment of the county residents or has it become more than an advisory committee.

Respectfully submitted,

Doug Lechlider

From:	Carol L.
То:	<u>MCP-Chair</u>
Subject:	Testimony for 11/17/2022 Planning Board meeting on the Rustic Roads Functional Master Plan Update.
Date:	Monday, November 14, 2022 3:32:55 PM

To: mcp-chair@mncppc-mc.org

Date: November 14, 2022

From: Carol Linden 9300 Corsica Dr. Bethesda, MD 20814 Email: <u>cdlinden@hotmail.com</u>

Subject: November 17, 2022 Planning Board meeting on the Rustic Roads Functional Master Plan Update.

As a resident of Montgomery County for 30 years, and as an avid bicyclist who rides approximately 5000 miles a year, much of them on the rustic roads of the Montgomery County Agricultural Reserve, I am writing to express my strong support for the continued protection and preservation of the designated Rustic Roads and Exceptional Rustic Roads in the update of the master plan. These roads are all indeed exceptional, providing an escape to rural and agricultural areas just a few dozen miles from Washington, DC and other nearby urbanized areas. I have brought many newcomers to cycle on these roads, and they are astounded that this resource is so close and available. These roads are famous far beyond the borders of Montgomery County.

The rustic roads wind through historically significant areas, particularly of late 19<sup>th</sup> and early 20<sup>th</sup> century settlements of free Black citizens. They provide access to farms and their produce, local restaurants and businesses, as well as to many farm breweries, wineries, and cideries, all of which attract both cyclists as well as regular visitors and patrons to the area. It is essential to continue to strongly support the Agricultural Reserve of Montgomery County, and the rural and rustic roads that lie therein, for the preservation of our overall environment and for the health and enjoyment of our citizens and visitors.

Below I've listed just a few of the roads that I (and my friends) ride very regularly, and annotated them with some comments:

Big Woods Road – rustic, rural, largely undeveloped. A peaceful refuge!

Cattail Road – good vistas of some nice farms.

Club Hollow Road – gorgeous fields and farms!

Comus Road – lots of ups and downs with beautiful views, especially near Sugarloaf Mountain/ Edwards Ferry Road – rustic, rural, peaceful Elmer School Road – some peaceful farms, fields and woods Hughes Road – connection to Poolesville, takes you through historic settlement areas Jerusalem Road – very historic Martinsburg Road (one lane cement - very rare) – an old farm to market road – priceless! Mount Ephraim Road – lots of farmland and great views, especially of Sugarloaf Mountain Old Bucklodge Lane - beautiful barn vista, as well as farm fields Peach Tree Road – a largely wooded refuge and accesses two great orchards Schaeffer Road – accesses the wonderful South Germantown Recreational Park Sugarland Road (one lane cement - very rare) – another farm to market historical road Wasche Road – rustic, rural, wooded

West Willard Road – a calming rustic country road

Westerly Road – rolling farmland as far as one can see

White Ground Road – very rustic

Whites Store Road – great farmland and lots of deer

Attached is information supplemental to my testimony for the November 17, 2022 public hearing, Item 7, Rustic Road Functional Master Plan Update.

Thank you.

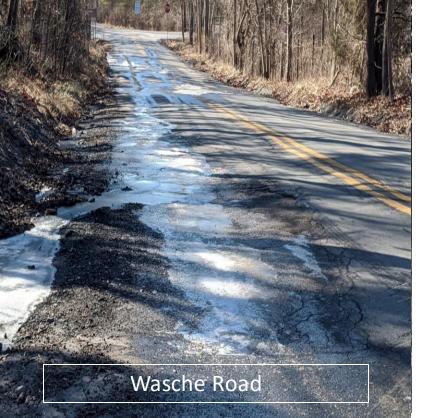
Lori Larson 9741 Corral Drive Potomac, MD 20854

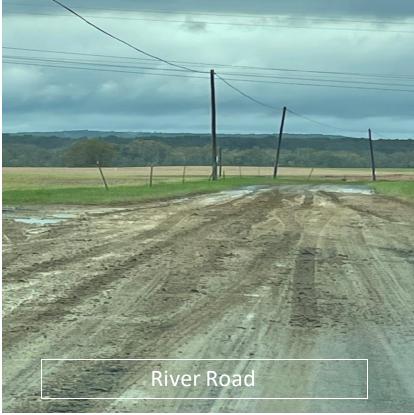


## Rustic Roads

From the Eyes of the Farmer

# **Driver Safety**







Water runs onto the road because of lack of maintenance of the roadside ditches or worse no ditches. This is a dangerous situation which can lead to sliding on ice or hydroplaning on water. It is also destructive to the roadway itself as winter freezing breaks up the road surface.

Photos by Linda Lewis and Eric Spates



### River Road Photos by Linda Lewis

 Rural and rustic roads may seem nice on paper for those that take a Sunday stroll through the countryside or come out from the city for a bike ride. To live and work on these roads is another matter. The basic purpose of a road is to transport people and goods to a destination with ease and safety. Our rustic roads do not meet this basic test.





## Moore Road Photos by Lori Larson





# **Equipment Safety**

West Willard Road Photos by Michael Jamison

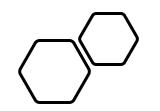


Mt Nebo Road Photos by Michael Jamison



Mt Ephraim Road Photos By Michael Jamison





Rocky Road Photo by Paula Linthicum



Sugarland Road Photos by Robert Butz







### Wildcat Road Photos by Wade Butler

- This woman and small child barely escaped injury after a bee flew into their car. Intersection of Davis Mill and Wildcat.
- These Porta pots almost made it into Wildcat branch after dodging a car in the middle of Wildcat rd.
- This dump truck was parked fully on Wildcat road with no lights on, after sun set in December. My mother not expecting anything parked in the road, ran into the back of this truck the day before her 90th birthday, on her way to my sister's house for dinner. Miraculously she made it out of the hospital the next day in time for her birthday celebration.
- After little or no maintenance, this roughly 700' section of Wildcat rd. cost the county several million dollars and an extended road closure that impacted both Butlers and Waters Orchards during our harvest season.



Combine Travels Photos by Linda Lewis







# Combine Travels Photos by Linda Lewis









March 14, 2022

#### Assessment of Rural and Rustic Roads

Rural and rustic roads may seem nice on paper for those that take a Sunday stroll through the countryside or come out from the city for a bike ride. To live and work on these roads is another matter. The basic purpose of a road is to transport people and goods to a destination with ease and safety. With this in mind many of our rustic roads do not meet this basic test.

Here are a few examples. Areas that do not have annual ditch maintenance will flood during rain events in the spring and summer and then freeze over in the winter causing very hazardous conditions. Lack of tree trimming is also a problem. There are several intersections where it is difficult to see oncoming traffic and in many cases you cannot see until your vehicle is halfway in the road and by then it is hard to avoid an accident. Tree branches can hang out in the road far enough to hit a truck mirror let alone farm machinery. I live on Cattail road where on several occasions I have seen pickup trucks with their mirrors folded in for this very reason. On areas of Cattail, and many rustic roads, a school bus and pickup truck cannot pass on another without one having to yield and move off the road because the road is too narrow or overgrown brush. Another issue are the small narrow bridges that are existing and the ones that are rebuilt or replaced. We haul grain from the fields and pay attention to bridge weight limits. Some bridges have a weight limit that won't support a fire truck or school bus. If they are that bad they should be condemned and replaced. All of this in my opinion is unacceptable. I noticed Rt.117 is going to be considered for Rustic designation. This is a state road that is also a snow emergency route. It has no business as rural and rustic. The most redeeming aspect of rt 117, according to park and plannings website, is the dangerous one lane bridge at white store road. This bridge should have been condemned years ago and replaced, yet rural and rustic thinks it deserves preservation. This is the disconnect between people that live and work here and those that do not.

Rustic roads are not on a park trail or small housing community. We use them for commute of our families and commerce. They are funded with our tax dollars to be purposefully neglected. In Poolesville we refer to them as **Ruined** roads, not rustic. All of this can be avoided with improved maintenance. Our roads do not have to be dangerous and obsolete to preserve rural character. The rural character is not derived from the blacktop and brush but from the sustainability and progress of the farms and ranches on either side.

My involvement with rustic roads is primarily with Howard Chapel Rd, a narrow poorly maintained route.

#### **Observations**

The road has become a busy commuter route, particularly in the morning, when backups are common. Accidents are common at the intersection with Damascus Rd. I have passed as many as 13 cars between Damascus Rd and our barn entrance, just two tenths of a mile.

As a popular bicycle route with its blind corners and no shoulder it is only a matter of time until there is a bad accident.

Water covers the south end of the road adjacent to our property with any heavy rain.

Some much needed repairs were done in the area near the bridge in 2021 but the rest of the road was ignored.

Robert Butts Waredaca Farm

I have lived on a Rustic Road my entire life. Here are some problems that have arisen because of rustic roads and the increased population in the up-county. The roads aren't wide enough, the tree canopy isn't high enough, the shoulders of the road aren't clear enough. the roads are rough with potholes.

The following are some of the things I remember happened on RUSTIC ROADS,

- 1. Meeting firetruck and having to go into the bush and scraping my car to get out of the way
- 2. Moving equipment and meet a vehicle that wouldn't give you the right of way, the vehicle scraped down your piece of equipment.
- 3. Meeting a truck and both mirrors hit and break
- 4. Having your child on a school bus it breaks a bus mirror and your child asks the policeman what took so long he was stuck on the bus
- 5. Being on River Road when a reported plane went down and you couldn't get around the emergency vehicles to open the gates for them.
- 6. Having a box trailer's roof corner was damaged by a tree
- 7. Replacing row markers on no-till and corn planters.
- 8. The DUST making your crop unsellable
- 9. Picking up sticks/branches after a combine goes down your road.
- 10. A suburban hit a ditch near my home, blowing out tire and ruining two rims.
- 11. Hauling a Sweet Corn with a truck and trailer and following a bike rider/s knowing I couldn't pass because the road was safe and wide enough. Having another driver try to pass us almost get hit head-on.

#### Sincerely,

Linda Lewis Lewis Orchards 18901 Peach Tree Rd Dickerson, MD 20842

### Farmer Testimonial Tim McGrath

March 16, 2022 Tim McGrath 17801B Comus Rd. Dickerson MD 20842 Ref. Rustic Roads

I am a lifelong resident of Montgomery County; my grandparents were Edward and Grace Blunt of Blunt Road. I watched that road go from a dirt road with a water crossing to being paved with no fording of the stream. I have retired from horse farming in Clarksburg after 26 years and know the difficulty to navigate 8' x 8'x 30' horse trailer down the Rustic roads in the AR zone. It's my opinion and history will back my opinion that all of the existing Rustic Roads were created as Farm to Market roads those roads are still being used as Farm to Market roads. As farm equipment gets larger not smaller it's important that these roads be upgraded to help the farmers get their crop to market, that is what these roads were made for not for riding bicycles. At the end of the day the AR zone was created to preserve all types of Agriculture the roads need to be upgraded to accommodate existing farming operations. The users of the Rustic Roads that make their farms viable need to be on the Rustic Roads Committee.

Tim McGrath

Supervisor for MC Soli Conservation District

## Farmer Testimonial Lonnie Luther

• My greatest fear of Rustic Roads (RR) is the risk of a tree falling on a passing car or truck or tractor and killing someone. There are hundreds of dead trees that I see every day as I travel the back roads of Damascus, including Clarksburg road which is a major thoroughfare, not RR. My granddaughter Abby (age 14) lost a classmate when a tree fell on her and her father on a road in Loudon County. It is one thing to watch for falling trees, something different to watch the tree fall on me or one of my family, friends, or neighbors. This is a preventable accident - but begs for a master plan from DOT to control (remove) tree hazards along all county roads. Even large limbs could and do kill innocent people.

• I have been watching a 24-30 inch wide tree along Clarksburg Road that is leaning more and more over the roadway each week and will without question fall within a few weeks or months. Lord help who ever happens to be beneath it when it falls.

## Patrick Jamison

#### <u>Assessment of Rural and Rustic Roads</u>

• Rural and rustic roads may seem nice on paper for those that take a Sunday stroll through the countryside or come out from the city for a bike ride. To live and work on these roads is another matter. The basic purpose of a road is to transport people and goods to a destination with ease and safety. With this in mind many of our rustic roads do not meet this basic test.

• Here are a few examples. Areas that do not have annual ditch maintenance will flood during rain events in the spring and summer and then freeze over in the winter causing very hazardous conditions. Lack of tree trimming is also a problem. There are several intersections where it is difficult to see oncoming traffic and in many cases you cannot see until your vehicle is halfway in the road and by then it is hard to avoid an accident. Tree branches can hang out in the road far enough to hit a truck mirror let alone farm machinery. I live on Cattail road where on several occasions I have seen pickup trucks with their mirrors folded in for this very reason. On areas of Cattail, and many rustic roads, a school bus and pickup truck cannot pass on another without one having to yield and move off the road because the road is too narrow or overgrown brush. Another issue are the small narrow bridges that are existing and the ones that are rebuilt or replaced. We haul grain from the fields and pay attention to bridge weight limits. Some bridges have a weight limit that won't support a fire truck or school bus. If they are that bad they should be condemned and replaced. All of this in my opinion is unacceptable.

• I noticed Rt.117 is going to be considered for Rustic designation. This is a state road that is also a snow emergency route. It has no business as rural and rustic. The most redeeming aspect of rt 117, according to park and plannings website, is the dangerous one lane bridge at white store road. This bridge should have been condemned years ago and replaced, yet rural and rustic thinks it deserves preservation. This is the disconnect between people that live and work here and those that do not.

• Rustic roads are not on a park trail or small housing community. We use them for commute of our families and commerce. They are funded with our tax dollars to be purposefully neglected. In Poolesville we refer to them as **Ruined** roads, not rustic. All of this can be avoided with improved maintenance. Our roads do not have to be dangerous and obsolete to preserve rural character. The rural character is not derived from the blacktop and brush but from the sustainability and progress of the farms and ranches on either side.

## Farmer Testimonial Robert Butz

• 1) Tree clearing along Sugarland has been a constant problem although I do note that there has been some clearing recently and I think in general tree clearing has improved along the road. Images 3208 and 3209 clearly show obstructions that are encroaching into the roadside. Sugarland is already a very narrow road so these encroachments can because a real hazard in the event that two vehicles larger than a car meet each other on the road. Image 2824 show damage to our grain truck sustained when hitting a tree along Sugarland. This incident costed approximately \$3,000 to repair and more impactful than that, placed my truck out of service for several days during the busy harvest season. From my perspective any tree clearing guidelines for rural and rustic roads should include vertical and horizontal clearing zone calculated to ensure the safe movement of agricultural equipment.

• 2) The condition of roadbed along much of Sugarland Rd is poor. In my opinion the condition of the roadbed creates an impediment to the safe transport of goods and equipment. Images 3210 and 3211 clearly show the rough and degraded condition. Image 3211in particular shows what can properly be described as a "speed bump" in the middle of the road. I would suspect that to some, having rough road conditions and speed bumps may would be potentially beneficial if they slowed travel speeds. However, I think it is poorly understood that conditions that simply appear "rough" in a car are potentially unsafe in a tractor hauling equipment. Unless one has actual experience driving agricultural equipment on a poorly maintained road it may be hard for them to appreciate the difficulty. Additionally, Sugarland Rd is so rough that another farmer who needs to travel on this road to deliver his produce related to me that the the condition of the roadbed oftentimes leads to bruised fruit as he attempts to deliver to market.

• 3) The combination of the rustic roads designation and the County's tree law make normal and necessary brush clearing along field edges very difficult. I have attached a copy of an email thread relating to my request to clear brush along my field edges and direct you to the County's position that literally any woody material larger than a blade of grass is subject to County approval prior to work. This is a very difficult requirement for the Farmer to comply with.

## Farmer Testimonial Randy Stabler

• Thanks for reaching out to many of us in the Ag Community on this very important, and tiring, topic of a tool for adequate transportation for agriculture. This topic also effects health and safety of anyone who traverses the many Rural and Rustic Roads of this county. I was a member and I believe the first chairman of the RRAC and appreciated serving.

1) The RRAC has no roll in maintenance and needed improvements to Rural and Rustic Roads. This is a function of MCDOT, there are
adequate executive regulations that address this. Rural and Rustic Roads are the network that services the largest acreage and area of the
county. MCDOT needs to be able to do their job.

• 2) The RRAC cannot be the dictating force to MNCPPC or MCDOT on the direction of Rural and Rustic Roads. The intent of that committee was to be an advisory capacity made up of the stakeholders that this transportation network effected. This committee is not operating like this, nor are the parties using the advice, doing so with discretion. The committee make-up is not of such of the area's it represents. Your comments represent this, commodity agriculture needs a larger roll.

• 3) It is imperative that the Chapter 2 language from the 1996 Rustic Road Master Plan be included. The leadership of MNCPPC and MCDOT must acknowledge this if they want to insure viable Agriculture as an industry/bossiness in Montgomery County. Without the transportation network to support agriculture it will not survive. Your illustration was very important. I have to wonder if an economic impact equivalent to agriculture (ie; Amazon), would come to Montgomery County , what would be provided in the form of transportation network needs?

• 4) The Roadway character additions to the draft, though "flowerily", serve no purpose to the issues of providing adequate and safe transportation to a scenic, progressive, business friendly part of the county. The historic character of the Rustic Roads is the direct result of agriculture and other business's that occupies the land that is adjacent to these roads. MNCPPC or MCDOT cannot afford to preserve or protect these roads and promote the land uses at the same time.

• Rural and Rustic Roads needs a commonsense approach to the complex issues, not a agenda oriented approach. The program is to big, along with to many roads to propel this county into the future needs of transportation. The purpose and intent of this program are broke and failing. If a Master Plan approach is to continue, than a budget to support it and those it serves needs to be provided, just as bridges and other examples in the county.

Thanks, Randy Stabler

### Farmer Testimonial Michael Jamison

• The Agricultural Reserve in Montgomery County is one of the most cherished pieces of land throughout the county. It serves as the breadbasket for the county and local regions. Ancestors on both sides of my family dating back more than five generations have utilized the land in this county to support their farming operations. Today I work alongside my two Brothers, Mother and Father, grain farming and producing turfgrass sod. What a success story that we can cultivate the same land from generations ago and still maintain a viable agricultural operation right here in Montgomery County.

• Throughout the years there have been county programs that have enabled agriculture to progress with the times to stay viable. Some of these programs have recognized the ever-changing dynamics of agriculture. Policy or law sometimes must be enacted (or revised) for this industry to build and sustain. There however, have been some regulations and policies that have proven to be an encumbrance to the operations of the agricultural businesses encompassing this county. Rural Rustic Roads is one of those problematic programs to agriculture.

• When operating a business that performs ninety-nine percent of its daily operations navigating these rural and rustic roads, two words come to mind: Anxiety and Dangerous. One reading this would wonder, why anxiety and dangerous?

Imagine the farmers seat for a moment. We operate full-size pick-up trucks, 18-wheelers, and large farm equipment. Some of that equipment is equal to two 18-wheelers combined in width by thirteen feet tall. Imagine operating an 18-wheeler that is the approved DOT (Department of Transportation) federally legal width of 8' 6". You are travelling down the last few miles of West Willard Road and River Road intersections. You look in your side mirrors and see the driver side tire is over the veltow line, while long divides are side swipe collision. You slightly navigate your of the yellow line, while your passenger side tires or other tire rides the while of long divides (". You slightly navigate your of the yellow line, while your passenger side tires or shoulder from white line (the divide) you approach a school bus coming in the opposite direction, you slightly navigate your truck just inside your your other tire rides the while/ditch line. Then a violent scathing noise from overgrown tree branches slaps the side of your truck accompanied by an alarming bang with a tree branch shattering your passenger side mirror. You're still traveling and look down and see shattered glass from the side mirror covering the cab and your lap. You come to a stop and realize what just happened. While frenzied, your relieved. Relieved that you didn't hit the oncoming school bus that my kids sometimes travel on. Relieved that you didn't lose control while your tire slipped off the thin margin of the white line and ditch. Relieved that no one was riding in the passenger seat that would have obviously sent that person to the hospital. You travel back to the farm to fix the \$200.00 mirror. Thankfully you have a few on stock in the machine shop because this has happened on numerous occasions. A business owner cannot afford to have their equipment down while tending to their crops and livestock.

• The farming community and the surrounding community confront circumstances like this on a regular basis. We have become accustomed to operating equipment and transporting our goods on the neglected roads throughout the agricultural transportation network. That is why we sometimes must pick and choose what times of the day (i.e., rush hour times) we can and cannot move our farm equipment. We do not want to risk the safety of ourselves or the surrounding community. Or why we carry chain saws on our tool trucks in the case a low hanging branch. Some officials in the county have said, we need to call DOT if there is a low hanging branch that could cause damage. Again, imagine what option there is when you are in the moment, moving a large piece of equipment taking up both lanes of the road with cars oncoming and behind. You come to a complete stop due to the low hanging branch that will cause thousands in damage to your equipment. You radio your employee whose job is to travel ahead to slow oncoming traffic. That person hands you a chain saw while climbing on the roof of your equipment. You carefully reach out to saw the limb that was the county's job to maintain. In scenarios like this, it is unrealistic to contact the proper authorities via calling 311.

• Since the rural rustic roads program was established, almost 30 years ago, the size of our equipment has only grown. The type of agriculture has changed since then. Agritourism in unison with wineries and breweries has become a large growing sector in this county over the past five years. More families have moved to these rural communities in the Ag Reserve. The onslaught of the pandemic has resulted many to discover the federal and local parks throughout. More and more people are visiting the Ag Reserve while the maintenance to our roads has virtually ceased to exist. To my knowledge, the individuals who serve on the Rustic Roads Committee have never actually taken the time to come out and physically ride in our equipment and see firsthand what we are dealing with. The farming community feels the ones whose role to advise the executive branch does not understand what we as farmers deal with daily regarding ill-maintained roads.

• A concept of the Rural Rustic Roads program is to preserve the scenic identity of the Agricultural Reserve. We as farmers feel that assuming the risk every year to go out and produce food in this region is what has allowed the Ag Reserve to keep its rural landscape. Regarding our transportation network, we feel the county has failed us in assisting safe and efficient networks of transportation. If these neglected roads, that are becoming more congested every year, are designed to help maintain a rural character, than what good are they if agriculture cannot thrive and operate under these conditions? We ask that prudent discernment is given to the future of the Rural Roads program that works WITH agriculture and not against.

## James Russell Allnutt

• My name is James **Russel** Allnutt and I have been living and working at Homestead Farm my whole life. We are located on Sugarland Road, which is one of the worst roads you will ever see, and it gets worse each year. Besides how ugly and uncomfortable the road is throughout, its condition has also seriously compromised the safety and movement of farm equipment. The lack of maintenance to the roads have led to damaged vehicles. The lack of maintenance to the trees and brush have led to difficulty moving, and huge delays, while navigating our equipment and vehicles on the roads which are already too narrow as it is. It is an urgent problem that needs to be addressed.

Dear Chairman Zyontz,

Please include the attached file as my testimony in support of the Rustic Roads Functional Master Plan.

Please keep up the good work!

Robert Goldberg

November 15, 2022

Montgomery County Planning Board, The Maryland-National Capital Park and Planning Commission 2425 Reedie Drive, 14th Floor Wheaton, Maryland 20902

Dear Board members, Branson, Hill, Piñero, Presley, and Zyontz:

Re: Rustic Roads Functional Master Plan

I am very pleased that Montgomery County continues to support its Rustic Road program. I live on Davis Mill Road and am also pleased that this road retains its classification as a rustic road and, in part, as an exceptional rustic road. A part of my testimony in regards to this road is done by means of photos which are shown below.

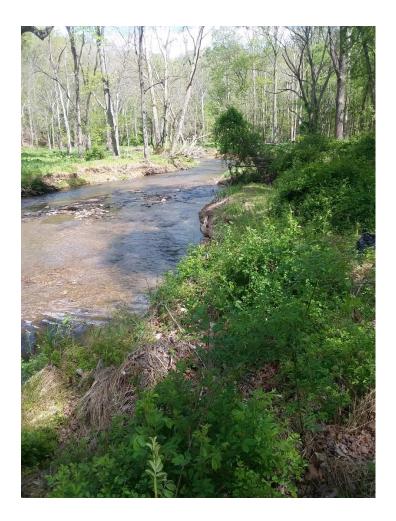
Our rustic roads are a very valuable part of our County in terms of beauty, recreation, history, our economy, the Agricultural Reserve, and water quality. These roads enhance our quality of life. I enjoy walking along these rustic roads, particularly Davis Mill Road where I have seen heron, eagles, wild turkey, piliated woodpeckers, many other types of birds, foxes, coyotes, many snakes (some venomous), and, of course, squirrels and deer. Over the years, bear sightings have also been reported. Many cyclists are seen on these roads and I have also seen a few people on horseback both on the roads and on the nearby trails.

As an individual who served two terms on the Rustic Roads Advisory Committee (RRAC), I saw only a part of the many decisions that the County must make during the planning process. But, an important part of this process are the *recommendations* made by the RRAC where the committee members work hard to ensure the rural character of the roads. In this regard, it is extremely important that dedicated and competent staff are assigned to help the RRAC in regards to the many details that have to be considered in making their recommendations and to make certain that necessary decision matters reach the RRAC. In this regard, I was very pleased with the staff support given to the RRAC when I was a member. Please keep up the good work!

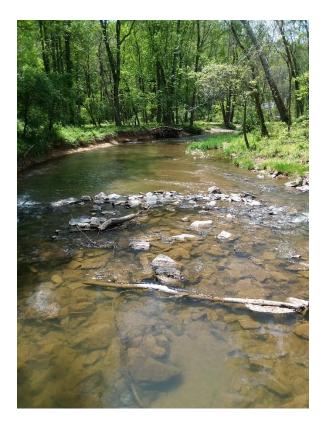
Sincerely,

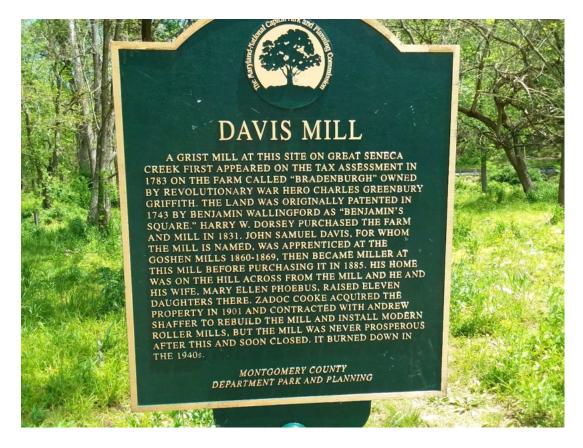
Robert N. Goldberg

Robert N. Goldberg 21404 Davis Mill Road Germantown, Maryland 20876-4422 Telephone: 301-540-2915 E-mail: goldbergrn@gmail.com























Dear Planning Board and Rustic Roads Master Plan staff,

I am writing to request that the commission hold this meeting in a community that is more easily accessible to the areas of the county that house the vast majority of the rustic roads. Perhaps you could hold it at the Germantown Library or Black Rock center? Or you could have a hybrid meeting with some commissioners/staff attending in Wheaton and others in the upcounty.

If it isn't possible to change for this week, which is understandable, please consider scheduling a second meeting for public input in the near future.

I feel that if community engagement and public participation is important to Montgomery Planning, this is an easy way to demonstrate that to the greater community. Especially after the past few months, it seems that establishing trust in the community would be a priority for the Board.

Thank you,

Brigid Howe 301-332-7977 brigid.howe@gmail.com

To the Planning Board,

Attached is my testimony regarding the hearing to be held on November 17.

Sincerely,

Thomas G. Hartsock

The Value of Montgomery County's Rustic Roads Program

Thomas G. Hartsock 25518 Burnt Hill Road Clarksburg, MD 20871 301-253-9528 tgh@umd.edu

I am a beef cattle and hay farmer on 103 acres located next to Little Bennett Regional Park. The deeded access to my farm, and a second access that is used on a daily basis, come off Rustic Roads: Prices Distillery Road and Burnt Hill Road, respectively. When I turn off Burnt Hill Road on to a driveway that I share with Little Bennett Park, I have the pleasure of seeing Sugarloaf Mountain in the distance.

I also served as a farmer member of the Rustic Roads Advisory Committee (RRAC) for several years. One of the conclusions that I came to while serving on the RRAC was that with some exceptions (most notably the unpaved roads and the concrete ribbons that are the "politician" or "milk" roads) it isn't so much the roads themselves that have the most value (in my opinion), but rather the preservation of the corridors through which the roads pass. Of course preserving the roads themselves, and especially the bridges, is central to preserving the roadsides and vistas through which they travel. But if I had been asked to name the program, I would have called it the "Rural Rustic Corridors Program".

I've often thought of the Rustic Roads Program as a collection of museum pieces that are not only great to look at but that must also continue to function in service of the transportation needs of the area. That is a challenging task and requires innovative thinking and sometimes compromise. Museum pieces that continue to be used experience wear and tear and must be maintained and repaired. And since the vehicles and equipment operated by the people that the roads serve has changed over the years, some changes required to keep the roads serviceable for the users are painful from a preservation perspective. And many Rustic Roads serve agricultural commerce, including the movement of slowmoving, and sometimes large, agricultural equipment. So safety concerns, such as speed controls, have become increasingly important. There are costs associated with maintaining these roads in "historic" condition and generally programs that add cost should be desired and appreciated by the people who pay for them, namely the taxpayers. It's hard to put a dollar figure on the aesthetic value of keeping these roads rustic, but it's clear that significant numbers of county residents appreciate the opportunity to travel these rural corridors, if only to "get out of town" for a while. In addition, there have always been opportunities to "buy local" at country farm markets. But the recent expansion of farm markets, wineries, breweries and a host of agritourism venues has made the creators of the Rustic Roads Program and the Agricultural Reserve look like absolute geniuses!

Yes, there have been, and will continue to be, challenges associated with the increased commerce and traffic associated with it. But the ambience created by rural and rustic settings is a key component to the success of novel types of agricultural enterprises that continue to expand in the western part of the county. And it is creating a situation where increasingly larger numbers of county residents (taxpayers!) are benefitting from the programs designed to keep part of Montgomery County rural and rustic.

From:	Jim Clifford
То:	<u>MCP-Chair</u>
Cc:	lveamazon@aol.com
Subject:	Rustic Roads Functional Master Plan hearing 11/17/2022
Date:	Tuesday, November 15, 2022 2:49:48 PM
Attachments:	Chair of the Rustic Roads Commitee Ltr to 2022 11 15 Clifford Rustic Roads Functional Master Plan.pdf

Dear Acting Chair of the Rural and Rustic Roads Committee,

Attached for your review please find my letter in regard to the upcoming **Rustic Roads Functional Master Plan hearing scheduled for November 17, 2022**.

Thank you,

James R. Clifford, Sr., Esq. Clifford, Debelius & Boynton, Chtd. 316 East Diamond Avenue Gaithersburg, Maryland 20877 Main: 301-840-2232 Direct: 240-499-7460 Fax: 301-975-9829 jclifford@debelius.com

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#### **BALLY CLIFF FARM**

#### James R. Clifford, Sr. 18330 Darnestown Road Poolesville, Maryland 20873

November 15, 2022

To: The Acting Chair of the MNCPPC Via e-mail: mcp-chair@mncppc-mc.org

> RE: The Rural and Rustic Roads Committee Rustic Roads Functional Master Plan Hearing on November 17, 2022

Dear Chairman,

I am a land use attorney in Montgomery County specializing in agricultural land issues and representing many of the county's farmers and landowners. Rural and rustic roads are an important part of the agricultural community in that they are the lifeline for the moving of ag equipment to and from the agricultural fields during spring planting and fall harvest. Furthermore, they capture and preserve the history and the feel of what has long been the spectacular view sheds throughout the upper county agricultural landscapes. I remember reading the surprise expressed by a Confederate Civil war veteran when he first saw the beauty of our farming area while passing through it to Gettysburg.

The Rural and Rustic Roads committee has been charged with protecting these roads and view sheds and, as I recently experienced, they do it with a pragmatic touch, balancing their preservation duties with the critical responsibility of keeping the agricultural connector roads open for passage of oversized farm equipment such as seed drills and harvesters. Working with representatives of the Agricultural community they have been good stewards of these important roads.

I live and farm on a designated Rural and Rustic Road and enjoy the preservation efforts of this R&R committee. I highly recommend that they continue in existence and continue to work with the area farmers to keep the roads open to serve the 93,000 acres that make up the Ag Reserve.

Sincerely. JAMES R. CLIFFORD, SR., ESQ

JRC

From:	<u>Cappetta, Tina</u>
То:	MCP-Chair
Subject:	Rustic Roads Program Support Letter Submittal - attached
Date:	Tuesday, November 15, 2022 4:38:44 PM
Attachments:	CHOH Rustic Roads Support.pdf

Montgomery County Planning Board 2425 Reedie Dr, 14th Floor Wheaton, MD 20902

Dear Chairman Zyontz, Vice Chair Presley, and Commissioners Branson, Hill and Piñero:

I write to you today to support the Rustic Roads Functional Master Plan and the designation of multiple rustic and exceptional rustic roads that lead to or through the Chesapeake & Ohio Canal National Historical Park (C&O Canal).

Montgomery County rustic roads create gateways to the C&O Canal that evoke a sense of place and time. Not only do these roads help to set the scene for park visitors and County residents, they protect cultural landscapes and viewsheds that are disappearing from much of our nation. Their preservation supports our work in interpreting the C&O Canal, providing educational and recreational opportunities to residents and visitors.

The park supports the designation of the roads below and the Plan's recommendation to update the histories for these roads in a future project.

- · Swains Lock Road (exceptional rustic)
- · Pennyfield Lock Road (rustic)
- · Violettes Lock Road (rustic)
- · Rileys Lock Road (rustic)
- Tschiffely Mill Road (exceptional rustic)
- Sycamore Landing Road (rustic)
- · Edwards Ferry Road (rustic)
- River Road (rustic and exceptional rustic)
- · Whites Ferry Road (rustic), and
- · Mouth of Monocacy Road (exceptional rustic).

The Chesapeake & Ohio Canal National Historical Park is one of our nation's most visited parks, with five million visitors in 2021- many of those visits occurring in Montgomery County. We support and applaud your efforts to preserve these historic roads.

Sincerely,

Tína Cappetta

Tina Cappetta Superintendent Chesapeake & Ohio Canal National Historical Park 142 West Potomac Street Williamsport, Maryland 21795 240-520-3135 office



IN REPLY REFER TO CHOH 1.A.1

November 15, 2022

Montgomery County Planning Board 2425 Reedie Dr, 14th Floor Wheaton, MD 20902

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Sincerely,

Tina Cappetta

Tina Cappetta Superintendent

NATIONAL PARK SERVICE C&O Canal National Historical Park 142 West Potomac Street Williamsport, Maryland 21795

Mr.Zyontz,

I enthusiastically support the adoption of the Rustic Roads Functional Master Plan update. The Rustic Roads program is one of the more unique and wonderful aspects of Montgomery County. It is so rare to have such pleasurable roads so close to a large congested urban area. The roads are integral to the ultimate success of the Agricultural Preserve and to maintaining green and relatively unspoiled corridors and access in other areas where they are located. The rustic roads are synergistic to the historic, recreational and agricultural resources to which they provide access. Otherwise the journey is reduced to just another subdivision road or highway.

Please preserve these unique roads by adopting the designations of the new roads in this plan, and by strengthening this program to carry us through the next 30 years.

Thank you.

Sarah R Navid 802 Leverton Road Rockville, MD 20852

From:	Ron Honberg
To:	MCP-Chair
Cc:	Lynda Honberg
Subject:	Preserving the Montgomery County Agricultural Reserve
Date:	Tuesday, November 15, 2022 5:58:38 PM

To the Chairperson and the Planning Board of Montgomery County:

We have been Montgomery County resident for more than forty years. I am a retired public interest lawyer and Lynda is a retired public health professional. We are both avid cyclists and hikers.

Over the years, we have discovered the beauty of biking and hiking through the Montgomery County agricultural reserve ("Ag Reserve") and its many miles of farms and beautiful, unspoiled terrain. We are proud that the County has consistently withstood the pressures of development and has committed to preserving this land for farming and the enjoyment of hikers, bikers and others who appreciate its beauty. In a region that is largely urban and suburban, it is indeed a rare privilege to have access to such a rural and unspoiled landscape in the upper part of the county. We often stop at the farms that dot its countryside to buy fruits and vegetables, a welcome alternative to the produce found in most area supermarkets.

We know that the Planning Board is faced with many competing priorities, including pressures from those who want to develop land in the Ag Reserve and expand the largely rural roads that traverse its countryside. However, we believe that allowing such development to occur would have negative long term effects on the environment and would add to the over-congestion and gridlock so common in most of the DMV region.

We strongly urge the Board to maintain its longstanding commitment to preserving the farms and the beauty of the Ag Reserve. If the current restrictions on development in the Reserve are relaxed, they will never be restored.

Thank you for your careful consideration of this request.

Sincerely,

Ron and Lynda Honberg Rockville, Maryland

<u>coise Andre</u>
<u>-Chair</u>
stol Vassilev; Leslie Saville
imony material from Francoise Andre for item 7 (Public Hearing For Rustic rds) on Nov 17th
day, November 15, 2022 6:01:17 PM
icRdTestimony FrancoiseAndre and ApostolVassilev.pdf

Good evening,

Please find the pdf that will need to be presented during my testimony. I will testify in person. I have already registered for that and I am planning to arrive by 6pm.

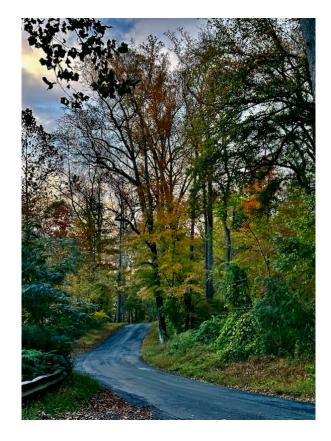
If there is anything else I should know or do, please let me know as soon as possible. Thank you,

Frankie.

# Berryville Rd

Testimony by Francoise Andre and Apostol Vassilev

### **Berryville Road** Exceptional Rustic Rd



Berryville Rd crossing Seneca Creek State Park



Seneca Creek at the intersection with Berryville Rd



### Views from Berryville Rd







From:	Susan Golonka
То:	MCP-Chair
Cc:	Rene; Office washingtonwomenoutdoors.org
Subject:	Testimony Regarding the Rustic Roads Functional Master Plan Update
Date:	Tuesday, November 15, 2022 8:16:24 PM
Attachments:	WWO Rustic Roads Testimony.docx

To the Members of the Montgomery County Planning Board,

Please find the attached testimony which I am submitting on behalf of Washington Women Outdoors for the Nov. 17 Public Hearing on the update to the Rustic Roads Functional Master Plan.

Regards,

Susan Golonka Bicycle Chair, Washington Women Outdoors 6003 Maiden Lane, Bethesda, MD 20817 301-787-2060 golostout1@yahoo.com Rustic Roads Functional Master Plan Update – Public Hearing, 11/17/2022

#### Testimony for the Record

Submitted by Susan Golonka on behalf of Washington Women Outdoors

As the Montgomery County Planning Board considers the Rustic Roads Functional Master Plan Update, Washington Women Outdoors would like to enhance your understanding of how Montgomery County's Rustic Roads and the Agricultural Reserve are treasured by cyclists in the region.

Washington Women Outdoors (WWO) is a volunteer, non-profit organization that has for forty-three years provided women with opportunities to enjoy an array of outdoor activities in the Washington DC area including bicycling, hiking, backpacking and kayaking. We help women build skills and confidence; experience camaraderie and support; and gain knowledge and appreciation of our region's natural resources and history.

As a ride leader and chair of WWO's bicycling program, I have planned and led bicycle rides in urban and rural areas throughout the region for a decade. While all the areas in which we ride offer striking scenery and unique features, the rides we host on Rustic Roads in Montgomery County's Agricultural Reserve offer an exceptional combination of working farms and beautiful vistas, safe and scenic roads, and historic sites. Our rides have taken us on Sugarland, Big Woods, Club Hollow, Elmer School, Mt. Nebo, Old Buck Lodge, Peach Tree and many more rustic roads listed and described in the highly informative Road Profiles Appendix. We have come to learn about the history of the area such as the Black community of Sugarland Farms created after emancipation, and appreciate unique attractions such as the one-lane bridge on Montevideo Road and the stone walls along Wasche Road. We have observed an abundance of wildlife including bald eagles, hawks, bluebirds, deer and groundhogs. And we have frequented the restaurants, farmstands and stores in the Poolesville area.

Montgomery County's designation and preservation of Rustic Roads and the creation of the Agricultural Reserve demonstrated a true appreciation and understanding of Montgomery County's history, scenery and natural resources. Our organization looks forward to continuing to enjoy riding on the Rustic Roads and we urge the Planning Board to continue to protect these treasures.

Thank you,

Susan Golonka Bicycle Chair, Washington Women Outdoors 6003 Maiden Lane, Bethesda, MD 20817 golostout1@yahoo.com 301-787-2060

The Rustic Roads of Montgomery County are the main reason I visit Montgomery County. I live in Arlington and drive to Montgomery County several times a month to bike in and around the Western Montgomery area and the Ag Reserve. In the winter, I've hiked different trails of the Seneca Greenway.

I am as familiar with Hughes, Wasche, Big Woods, Sugarland, Edwards Ferry, Club Hollow, Montevideo, Old Bucklodge (I could list them all!) as I am the urban roads in my neighborhood where I've lived for over 30 years. Every ride (and there are tens of different routes to include different roads and features), I look forward to seeing the red barns with white windows, the historic houses and barns and churches.

I found the Ag Reserve shortly after I moved to this area in 1990 and it's pretty much the only reason I go to Montgomery County.

And to let you know I'm not just enjoying the quiet narrow beautiful roads and views - once I'm there I spend money as well, buying produce from the farms like Lewes and Kingsbury Orchards, having lunch at K2 or Bassetts in Poolesville, stopping for groceries.

Just to mention two things - I would never have discovered the history behind the Sugarland Ethno Project if not for biking past the church numerous times. A bunch of us specifically scheduled a ride to visit the church when it was open for tours. I would not attend Poolesville Day without finding out about it from biking there.

Perhaps one person doesn't make a difference to the economy but there are hundreds of us who visit for the same reasons - because we love the rustic roads and rural areas of Montgomery County.

Please continue to protect these unique roads.

Joan Oppel 1887 16th Street N Arlington, VA 22209 oppeljs@gmail.com