

Item 10 - Correspondence

From: [J Mauldin](#)
To: [MCP-Chair](#)
Subject: Corrected-Rustic Road Designation-Additional Information for Awkard Lane
Date: Wednesday, January 25, 2023 9:43:20 AM
Attachments: [Awkard Lane Rustic Road .pdf](#)
[Holly Grove Road -Awkard Lane Additional Photo"s.pdf](#)

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

Good morning,

I am submitting the attached four page letter and two pages of photos to be included and read as part of the public record and disseminate to the Chair and Board members. My understanding is that the record remains open until January 24th, 2023 based on the January 5, 2023 work session.

Please confirm receipt of this email and distribution as indicated on the attached letter.

Your attention to this matter is greatly appreciated.

Sincerely,

Judy Mauldin
15520 Holly Grove Road
Silver Spring, Maryland 20905
JudyLMauldin@gmail.com

January 24, 2023

Via E-mail Only

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

Re: Criteria for Rustic Road-Awkard Lane

Dear Chairman, Zyontz and Commissioners,

Thank you for your time and attention to this important matter. I understand there was a discussion about Awkard Lane at the January 5th work session, and I would like to add additional information based on the criteria used to designate a road as rustic. Below please find the legal requirements a road must meet to get a rustic designation and how Awkard Lane adheres to the requirements.

(b) *Criteria for rustic road.* Before classifying a road as rustic, the Council must find that an existing public road or road segment:

- (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.

Awkard Lane meets this criterion. It is located within the historic African American community of Holly Grove. The community land use is rural residential with a few home-based businesses. The community uses wells and septic systems. The zoning is RE-2C (that allows housing density of one home for each 2 acres with a cluster option when there is public water and sewer).

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

Yes, Awkard Lane is a narrow, dead-end road with access from Holly Grove Road which is recommended as rustic.



Where Awkard Lane intersects at Holly Grove

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

Yes, with about 14 homes and a very small Hindu cultural education association at the corner of Holly Grove and Awkard Lane , there is very little traffic on the road.

(4) (A) has outstanding natural features along its borders, such as native vegetation, stands of trees, stream valleys;

Yes, the eastern half of the road has a lovely tree canopy as the road descends into a stream valley and crosses the Right Fork of the Northwest Branch.



Awkard Lane view far east end

(B) provides outstanding vistas of farm fields and rural landscape or buildings; or
Yes, the stream valley presents an outstanding rural vista.



The stream on both sides of Awkard Lane



(C) provides access to historic resources, follows historic alignments, or highlights historic landscapes; and

Yes, Awkard Lane forms the spine of the eastern part of the historic Holly Grove community, established in 1879.

What is now **230, 200, 130 and 140 Awkard Lane** the original James Colly Lot 11. A ten acre trac purchased on January 8, 1883, EPB 28-126. In addition, all of what is now **101, 121, 131, 139 Awkard Lane** is part of the original John Stockett Lot 14, a ten acre trac purchased February 21, 1880, EBP 22-2 and Lot 15, the original Charlotte Budd Lot 15 a five acre trac purchased March 3, 1882, EBP 26-36 and the original Philip Stabler Lots 2, 3, 12 and 13 a twenty six acre trac purchased June 8th 1886, JA2-511 & 512.

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

Awkard Lane is safe. Planning staff confirmed that there have been no crashes on the road. The Council must not classify a road as rustic if that classification will significantly impair the function or safety of the road network. A rustic classification for Awkard Lane will not impair the function or safety of the road network.

The Holly Grove Community includes Awkard Lane. Holly Grove Road provides the egress and ingress for Awkard Lane, and its historical significance is further illustrated in the Holly Grove Historical Preservation Association's website under the "Original Settlers."

Thank you again for your time and consideration.

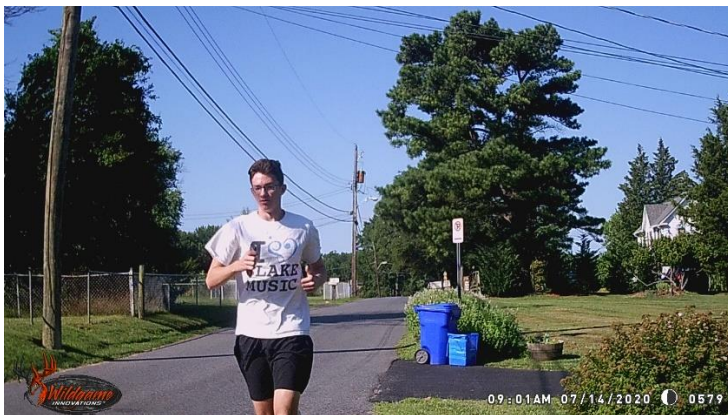
Respectfully Submitted,

Judy Mauldin
Founder, Holly Grove Historical Preservation Association
www.hghpa.org
15520 Holly Grove Road
Silver Spring, Maryland 20905

Holly Grove Road view of Bus Stop Norwood Road



Cyclist riding to Bike path at the end of Awkard Lane connects to Stonegate



Children walking down Holly Grove from Bus Stop

Joggers from Awkard Lane jogging toward Norward Road on Holly Grove Road

From: lveamazon@aol.com
To: [MCP-Chair](#)
Cc: lsaville@gmail.com; hooverb@msn.com
Subject: For RRFMP Update Worksession 2
Date: Wednesday, January 25, 2023 11:55:31 AM
Attachments: [RRAC COMMENTS WORKSESSION 2.pdf](#)

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Dear Chair Zyontz and Commissioners:

Attached are the comments from the Rustic Roads Advisory Committee for the Worksession scheduled for Jan. 26, 2023, Item No. 10 on the Agenda.

We apologize for the spacing issues, with such limited time to prepare the comments we could not correct them.

Thank you,

Laura Van Etten
Chair, Rustic Roads Advisory Committee
19735 Mouth of Monocacy Road
Dickerson, MD 20842



RUSTIC ROADS ADVISORY COMMITTEE



COMMENTS ON RUSTIC ROADS FUNCTIONAL MASTER PLAN UPDATE WORK SESSION 2 JANUARY 26, 2023

The following two issues are most important to us:

1. On PDF page 27, Bridges, staff writes:

Staff recommends that the word "historic" be removed from the document

We do not support removing the word "historic" from the document. The entire program is an historic preservation program for roads. County Code is based heavily on the word "historic." In the very first section of Chapter 49, Article 8, the Purpose clause for the Rustic Roads Program states:

This Article establishes a program to preserve as rustic roads those historic and scenic roadways that reflect the agricultural character and rural origins of the County. Preservation of rustic roads must be achieved by retaining certain physical features of rustic roads and by certain right-of-way maintenance procedures.

The next section of the Code reads:

(b) Criteria for rustic road. Before classifying a road as rustic, the Council must find that an existing public road or road segment:

*(1) is located in an area where natural, agricultural, or **historic** features are predominant....*

We find the idea of removing the word "historic" from the document to be highly disturbing and completely antithetical to the Rustic Roads Program. We strongly oppose this proposal by staff.

2. In many places in the Master Plan and in the 111-page staff report, we note that great deference is given to the Montgomery County Department of Transportation (MCDOT) and the Montgomery County Office of Agriculture (OAG). We understand that this is a standard practice with land use plans.

Importantly, in this case, we note that the program exists because the residents and County Council objected to the standardization of these roads, and created the Rustic Roads Program to protect the roads from that standardization. Instead of strengthening the program to protect the roads, many recommendations that appear to have come from conversations with MCDOT and OAG note safety or cost considerations, which would generally undermine the program and its purpose.

- The roads have been reviewed and found safe as they are.

- Preserving roads and bridges, keeping them narrow and small, is less costly (in lives and treasure) than widening them to “meet standards.”

RRAC received MCDOT’s comments from staff. We have not found these comments on the January 5, 2023 Planning Board website. We ask that staff confirm that these comments are publicly posted.

The following comments follow by PDF page numbers in the staff report:

P. 7, Mouth of Monocacy Road. Staff writes,

The RRAC recommends including the Little Monocacy Viaduct as a significant feature of the road similar to the way the railroad bridge has been included as a significant feature of Game Preserve Road. Mouth of Monocacy Road already contains “alignment approaching and under the Little Monocacy Viaduct” as a significant feature. For Game Preserve Road, the significant feature is listed as “1906 B&O Railroad bridge.” Significant features are those “that must be preserved when the road is maintained or improved.” Due to the wide span of the viaduct, it is not particularly close to the roadway and therefore is not an element of the road that MCDOT would be able to preserve or not preserve to maintain the road....

In fact, both structures are 1906 B&O Railroad bridges. The issue is not whether MCDOT may affect the bridge during maintenance, but whether any action taken by any party for improvements might affect the view of the viaduct. MCDOT misunderstands the breadth of the term Significant Features, thinking they only related to the MCDOT right-of-way. In fact, designated Significant Features are also views and objects in the viewshed of the road which are far outside any right-of-way. The Planning Board’s jurisdiction under Ch. 50 extends to protecting such views and RRAC advises on these.

P. 12 Possible v. Feasible, staff writes,

There are several instances throughout the Master Plan where MCDOT has requested that we change the word “possible” to “feasible.”

In fact, MCDOT objected to the use of the word “possible” at every single point in the document, misconstruing the plain English use of the word. Using the word “feasible” weakens the requirements throughout Regulations calling for “design and material which preserves or enhances the rustic appearance of the road.” RRAC comments will address these issues separately as they arise rather than combining them as staff have here. RRAC suggests that the use of the word “feasible,” if and wherever included in the Plan, be clarified to state that “This in no way means a less compatible treatment is acceptable based upon lower cost.”

PP. 15, 99, the Draft states:

“In SPAs, land-use controls such as limiting imperviousness, planting forest buffers, and requiring enhanced erosion control help ensure that impacts from development activities are mitigated as much as possible.”

MCDOT advocates replacing the word “possible” with “feasible.” RRAC’s view is that cost limitations should be a very minor consideration when mitigating against environmental damage to the watershed caused by development; these costs are usually born by developers and the later roadway maintenance work done by MCDOT should not undermine these existing precautions and efforts.

Maryland Department of Planning (MDP) also supports protecting water quality through programs, including the Special Protection Areas (SPAs).

P. 15, DBU Policy. Staff will be drafting language for the Introduction and Implementation chapters, but it is not included in the staff report. We wish to have an opportunity to review the language before it is finalized.

P. 15, Road Characteristics. Staff writes,

Road widths typically include a range in the road characteristics table, so Staff will add text to clarify that the width is a range and that changing conditions may lead to different measurements in some places.

We are concerned that future MCDOT staffers might misunderstand this language to give them permission to pave the entire length of the road to the maximum width given in the range. Our practice has been to document with widths along each road before projects begin, and MCDOT has committed to preserving these widths. We ask that recognition of this practice take the place of the language about “changing conditions.”

P. 16, Significant Features. Staff writes:

Staff will add text defining this term [Significant Features] to the “Road Recommendations” chapter of the Master Plan, where other road classification criteria from Section 49-78 are described. An earlier reference in the “Introduction” chapter may also be added.

We appreciate staff catching this and support the recommendation.

P. 17, Context. We requested deleting the second sentence below as it seems to imply that a “one size fits all approach” would be appropriate for Rustic Roads:

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.

Staff recommends either rewording the first two sentences or removing the first two sentences. We support simply removing these two sentences.

P. 17, the Draft states:

“This master plan supports providing for adequate drainage but recommends that a roadway design without drainage ditches be retained wherever possible.”

MCDOT recommends substituting the word “feasible” for “possible,” in an apparent effort to maximize cost considerations in their activities. RRAC’s position is that drainage ditches are almost never appropriate on a rustic road and that cost is a false consideration given that ditches almost always result in worsening of drainage problems which must then be mitigated with further costly repairs.

P. 17, the Draft states:

“Reduced mowing of roadside edges should not result in impaired driver vision around bends or corners; however, existing plant groupings should be retained whenever possible.”

MCDOT wishes to replace the word “possible” with “feasible.” RRAC’s position is that it is not cost prohibitive to avoid mowing existing plant groupings. The use of the word “feasible” is meaningless here.

P. 18: the Draft states:

“This example shows that it is possible to design a bridge that retains a road’s character while also providing a safe experience for those using the road.”

MCDOT asks that the word “possible” be replaced with “feasible.” RRAC’s position is that nothing about a backward-looking statement is changed by the use of the word “possible” rather than “feasible.”

P. 19, County Code and Executive Regulations. Staff writes:

Staff recommends that the Executive Regulations be amended to clarify that rustic roads are to receive maintenance at the same level as any other road in the county, while preserving the rustic characteristics of the road.

We support staff’s recommendation.

P. 20, Maintenance and Improvements. Staff writes:

Staff recommends adding language to the “Maintenance and Improvements” section stating the importance of maintenance of rustic roads.

We support this. As requested by Quentin Remein, president of Cloverly Civic Association, please also note in the added language that all maintenance needs to be done so as to maintain the rustic character of the roads.

Pp. 22-23, Foliage. Staff writes:

Planning Staff suggests a new plan recommendation that the guidelines be reviewed at a joint meeting between the RRAC, MCDOT, the Office of Agriculture, and other interested plan stakeholders to develop a revised set of guidelines that can be incorporated into the Executive Regulations. The new guidelines would ideally include a mechanism whereby priority roads for the movement of agricultural equipment are identified.

In developing the Tree Trimming Guidelines, we sought priority tree trimming as part of regular maintenance on rustic roads where commodity farmers move large equipment, but MCDOT told us that this was not feasible. Thus, we reviewed roads pursuant to a list provided by the Office of Agriculture. The bulk of the Tree Trimming Guidelines should stand and the sentence stating that RRAC will review the roads as listed by the Office of Agriculture should be open to revision so that OAG and affected farmers may take responsibility for such reviews.

Staff continues:

As a minor matter, the RRAC point out in their testimony that the Tree Trimming Guidelines call for trimming vegetation up to 18 feet rather than the 17 feet specified in

the Master Plan, with the intent to ensure the trimming will last for three years. Staff recommends changing the plan's recommendation to 18 feet to be consistent with the Tree Trimming Guidelines. Alternatively, the plan recommendation could simply reference that the clearance height be consistent with the Executive Regulations once the Tree Trimming Guidelines have been incorporated within them, but this presupposes that the guidelines have been so incorporated per the previous recommendation.

We suggest incorporating the Tree Trimming Guidelines by reference into the Master Plan so as to allow for any future changes that may occur, without creating a conflict between the documents.

Pp. 23-24, Road Surfaces.

RRAC wishes to reiterate that the “wash-boarding” effect on gravel roads is almost always the result of grader operators moving too quickly. As such, we support the use of Best Practices during maintenance operations.

P. 24, Drainage. Staff's recommendation for drainage reads:

13. Drainage, as required by these regulations, should be maintained on a routine basis. Use best practices to manage drainage on roads without storm drains or ditches.

Staff indicates that they will be amending that recommendation. We ask that the following points be added:

- Some ditches and storm drains exist on rustic roads. The criteria for rustic roads do not exclude roads from the program if such features exist—their presence should not be used as a reason to add or remove roads from the program. Adding ditches and storm drains is always discouraged.
- Culverts exist along rustic roads in many locations which, when functioning properly, prevent damage to the road surfaces by carrying water properly. A recommendation should be added to assure routine clearing of these culverts to avoid road damage.

In order for RRAC to help to identify blocked culverts along Rustic Roads before permanent damage occurs, we request that MCDOT provide us with their inventory of culverts.

Pp. 25-31, Bridges.

This section is troubling as it ignores the history of the program and undermines its purpose. Community members sought the creation of the Rustic Roads Program in large part to protect our historic and narrow bridges. The 1910 pony truss bridge on Montevideo Road was slated for replacement, as were two more modern one-lane bridges in the Potomac Glen. These bridges are recommended for preservation under the Rustic Roads Program.

P. 27, Bridges. The recommendation to remove the word “historic” from the document dilutes the historic nature of rustic roads. The Purpose clause in Chapter 49, Rustic Roads Program, states these are “historic and scenic roadways.” We find the idea of removing the word “historic” from the document to be disturbing and antithetical to the Rustic Roads Program and ask that it remain.

PP. 27-28. Bridges. Staff provides two pertinent excerpts from the Executive Regulations. We recommend that they be added to the Master Plan or incorporated by reference in this section.

P. 28, Bridges. Staff writes:

Staff will revise the text to clearly identify which bridges have been designated or nominated as historic resources and what the objective is when non-historic bridges are identified as significant features.

For each bridge listed as a Significant Feature, we ask that staff work with the RRAC to allow us to provide guidance. For each bridge that is over 50 years old that has not been assessed for National Register eligibility, an assessment should be performed.

P. 29, Bridge Funding and Design Exceptions. Staff supports the use of MCDOT language in the plan:

"If a design exception is not granted, the bridge must be designed to meet federal and state standards or 100 percent of costs will come from the county's budget, taking money away from other vital county programs."

RRAC does not support this language because it seems to imply that a bridge project might take funding away from (for example) a school project. The committee has been told that with bonds funding CIP projects, funding does not transfer across programs in this way. We recommend removing the last clause of the sentence, "taking money away from other vital county programs."

P. 30, Bridge Funding and Design Exceptions. Staff proposes combining recommendations 10 and 11. We ask that the note that the Federal Highway Administration allows design exceptions be added back into the combined recommendation. The original recommendations are:

10. Design exceptions, as allowed by the Federal Highway Administration, should allow for funding for compatible bridges.

11. MCDOT and SHA should explore and be encouraged to accept appropriate and safe design exceptions for federally funded bridge projects that will maintain the rural character of the road.

P. 30, Bridge Funding and Design Exceptions. Staff writes:

Staff proposes a new Master Plan recommendation: Amend Chapter 49 to clarify how a bridge on a rustic road should be preserved when maintenance is necessary regardless of whether the bridge has been identified as a significant feature.

Because guidance currently exists in the regulations, we don't consider this to be necessary. In addition, every bridge that is identified as unique, and including bridge-by-bridge guidance would be too specific for putting into code.

RRAC REVIEW OF TESTIMONY RECEIVED

Attachment A, Summary of Testimony Received P. 12,

Staff refers to information about road users as demographics. Demographics relate to population groups; our comment is related to the most recent agricultural census data regarding the changing nature of farming and not to population groups. In addition, the comment was addressing improvements and not maintenance. Road widening would be an improvement that should not be undertaken, while road maintenance such as tree trimming is appropriate.

Attachment A, Summary of Testimony Received P. 42, the Draft states:

"Batchellors Forest Road: The 2005 plan stated that it would be an additional 500 feet, but the entry was built as far west on the site as possible."

Again, MCDOT recommends changing the word “possible” to “feasible.” RRAC’s position is that this is a backward-looking statement where there is no difference between the words possible and feasible.

Attachment A, Summary of Testimony Received P. 76, the Draft states:

“The process leading to approval of such construction should include a review directed towards retaining views whenever possible and practical.”

Here, MCDOT comments inappropriately on something outside their jurisdiction regarding substitution of the word “feasible” for “possible.” Staff have presented this comment out of context. RRAC’s position is that MCDOT should have no opinion on what goes on outside of MCDOT’s right of way. The Committee advises the Planning Board regarding views and vistas as provided under Ch. 50 of County Code, and has nothing to do with the Road Code or MCDOT. We advise the Planning Board on views and Significant Features that are well outside of MCDOT’s jurisdiction. We object to changing this word.

Attachment A, Summary of Testimony Received P. 88: the Draft states:

“Bridges that are rebuilt should be designed to accommodate the appropriate number of vehicle trips and not be overdesigned; to the extent possible, these designs should use materials that enhance the rustic quality of the road.”

RRAC’s concern is that MCDOT will use “feasible” as a way to propose a less compatible treatment at the outset of a project based upon a preference in the Master Plan for the word “feasible,” which elevates the cost factor above other considerations. Cost is always a factor in these projects and the existing language in the Code, Regulations, and Master Plan results in cost being one of many considerations. We request that the word “possible” be retained. Planning Staff goes on to say: “These are the types of discussions that staff recommends occur periodically at regularly scheduled RRAC meetings.”

This is an example of the concerns noted at the top of this memo about inconsistent support from some MCDOT staffers. For example, MCDOT came before the Planning Board complaining about numerous roads and asking for them to be removed from the program or severely limited in their extents. This testimony was provided without any advance notice to or consultation with the Committee. Similarly, MCDOT has often moved ahead with bridge projects without timely notice to the Committee.

In addition, Planning Staff said:

The Planning Board, by review of Mandatory Referrals, and the County Executive, by Capital Improvement Projects that are implemented by MCDOT, will have oversight on how this language is ultimately applied in the instances above, with recommendations from staff and the RRAC.

The status of projects when reviewed as budget items does not have any level of detail that would alert the Planning Board nor the Executive to a lesser compatible bridge treatment. In

addition, the Committee has rarely been asked for recommendations during Mandatory Referrals.

At any place in this Plan where the Board accepts the use of the word “feasible” we request that it is followed by a sentence that says: “This in no way means a less compatible treatment is acceptable based upon lower cost.”

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.

Committee Members:

Laura Van Etten, Chair

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

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