



MINUTES
RUSTIC ROADS ADVISORY COMMITTEE MEETING
May 25, 2010
Executive Office Building – Rockville

Members:

Bob Goldberg
Fred Lechluder
Eric Spates
Marc Miller
Robin Ziek
Greg Deaver

Guests:

Jeremy Criss – Agricultural Services Division Manager
Dan Marriott – Paul Daniel Marriott & Assoc.
Delores Milmoie – Audubon Naturalist Society
Caroline Taylor – Exec. Dir. Mont.Countryside Alliance
Cheryl Imperatore – former RRAC member

Leslie Saville –MNCPPC member
Sarah Navid - staff

Absent:

Kevin Foster

The meeting began at 7:00 PM.

Minutes – The April 27, 2010 minutes were approved with minor revision by Bob Goldberg.

Preserving the Historic Road Conference

Dan Marriott gave a brief overview of the conference to be held in Washington D.C. September 9-12. The conference will bring together preservationists and engineers. It will include a tour of the Loudoun County VA and Montgomery County historic and rustic roads.

Scenic Views

Jeremy Criss summarized the Ag Community and farmer concerns regarding the RRAC's recent practice of commenting on preservation of scenic views along rustic roads, primarily with regard to house locations. He felt it was expected that the committee would review the public domain but of questionable legal authority whether they could review private property issues. **Jeremy did not want to see further erosion of farmers' property rights by the possibility of a new layer of requirements in the form of mandatory scenic easements.** Fred pointed out that, already, farmers have to contend with land where perking is constrained and where the 2003 Forest Conservation Law has

added a requirement to dedicate a certain percentage of a property to forest conservation easements.

Robin, Marc and Bob were of the opinion that the RRAC as an advisory only body should continue to comment and advise MNCPPC on preservation of scenic views in subdivision plans. It is then the decision makers' responsibility whether to follow or ignore that advice. The committee has been specifically asked to comment on cell tower locations for example. Marc pointed out that some vistas such as the view from Mt. Ephraim Road looking north towards Point of Rocks, is really worth preserving. Robin asked how being asked to relocate a proposed house was a significant infringement on property rights. Jeremy pointed out that that could involve a longer and more costly driveway.

The committee reviewed the language in the Rustic Roads Functional Master Plan on scenic views (p.36) and agreed that it was misleading. It discusses the application of a "scenic easement" on those rustic roads where scenic views have been identified but at the same time states that the review at subdivision should not "restrict development" and should only affect the placement of buildings "if practical." The committee will need to carefully address the wording that will be used in the Design Guidelines

The meeting adjourned at 9:00 PM.

Date Approved: September 28, 2010