

## Item 4 - Correspondence

**From:** [LYNNE BATTLE](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Mencarini, Katherine](#); [Dickel, Stephanie](#); [Hisel-McCoy, Elza](#); [Susan S](#); [Jenny Sue Dunner](#); [Marnie Shaul](#); [Folden, Matthew](#)  
**Subject:** Lynne Battle's Testimony on Abandonment of Westbard Avenue and Ridgefield Road  
**Date:** Monday, November 16, 2020 8:49:17 PM  
**Attachments:** [LYNNE BATTLE'S TESTIMONY ON ROAD ABANDONMENT.pdf](#)

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

Attached please find my testimony which I will deliver on Thursday, 11/19 in reference to the Abandonment of Portions of Westbard Avenue and Ridgefield Road. I will be speaking on behalf of the Westbard Study Group which includes Jenny Sue Dunner, Marnie Shaul, Susan Spock, and myself. Thank you for your attention to this matter.

Lynne Battle  
5157 Westbard Avenue  
Bethesda, MD 20816

LYNNE BATTLE'S TESTIMONY ON BEHALF OF THE  
WESTBARD STUDY GROUP ON THE ROAD ABANDONMENT  
OF RIDGEFIELD ROAD AT WESTBARD AVENUE  
NOVEMBER 19, 2020

I am here testifying as a member of the Westbard Study Group and resident of Westbard Mews on Westbard Avenue. To more clearly lay out my position, I must set the stage for how this issue first arose.

The plan to abandon Ridgefield Road and realign Westbard Avenue was part of the original plan by Equity One (and subsequently, Regency Development) to redevelop the Westbard Shopping Center as well as parcels on the opposite side of the street. The Planning Board approved a preliminary plan in which the shopping center would be Phase One of an entire redevelopment for which the single most significant public benefit was to be the creation of a beautiful Greenway Park around the Willett Branch stream, in keeping with the Sector Plan's goals.

As part of the redevelopment, Regency is accelerating the road realignment and proposing a faster redevelopment of Westwood II in concert with Kensington Senior Living at the corner of Ridgefield Road and Westbard Avenue, which requires the road abandonment at issue in the hearing. We, and other members of the community, have been hoping to comment on the aspects of new road to the Board, but we were unaware that this hearing would be held until last week.

At the moment, the only true benefits from the project accrue to the developer rather than the public: the new road will allow Westwood II and adjacent properties to be developed more quickly, and the new road will lead more directly to the developer's Westbard shopping center, with none of the traffic lights that currently allow pedestrians to cross the road safely.

We strongly believe that to ensure that the Willett Branch Park is established as a public benefit, Equity One/Regency should begin the creation of the Greenway Park on the property where the abandonment and realignment will occur. When the road is rebuilt, it will have to be constructed over the Kenwood branch stream as it flows into the Willett Branch at the beginning of the proposed Greenway. During construction, the flow of one stream into another should be made into a small waterfall feature that would set off the beginning of the park. Parks and Planning staff proposed this feature a number of years ago, but the developer seems unwilling to create it as part of the road and property redevelopment. We understand that unless it is built while the road is being constructed, the proposed waterfall will probably not be possible to build later on.

The road abandonment will also create a new area on which no construction is contemplated - Lot 24, Block D, as shown on Figure 2 of the staff report, page 3. The staff report does not reference the intended use of this block. While the

preliminary plan envisioned it as a place to put a large number of mitigation trees, we have always believed that the area is too small for this purpose. The trees will be adversely affected by adjacent traffic, and the area would be a much better place for stormwater management (SWM) for the road as a whole. Indeed, at the hearing on the preliminary plan, members of this Board advocated that the developer use SWM best practices for the new Westbard Avenue. Otherwise, road run-off is likely to go down into the newly established greenway park.

Finally, a critical safety need is the installation of a traffic light to cross the new road, which we hope you will ask MCDOT to approve. It is not adequate simply to put in wiring for a traffic light at the intersection on Westbard Avenue that Springfield residents can access, and then wait for a study a year later. With the new road, Springfield drivers will be unable to turn left on Westbard without a traffic light, and no one—including school children—will be able to walk across the road safely. In addition, the realignment will impede the visibility of trucks exiting the delivery area of the Kensington Senior Living building on realigned Westbard for cars, bikes, and walkers raising additional safety concerns. In short, this will be an accident waiting to happen, perhaps leaving the community with injuries and/or deaths as the cost of providing a commercial benefit to this developer.

The abandonment must be permitted only if it helps the health, safety, and welfare of residents. I therefore implore you to order Equity One/Regency and Kensington to begin the creation of a park along the Willett Branch with decent landscaping and a water feature behind the planned senior living facility, and state-of-the-art SWM along the new road. These factors should be required as a condition of granting the desired abandonment so the community is provided the promised Willett Branch Greenway and associated environmental improvements. Further, to construct this realignment without a traffic light in place would be negligence of the highest order.

Respectfully submitted by Lynne Battle  
For the Westbard Study Group  
(Lynne Battle, Jenny Sue Dunner, Susan Spock, and Marnie Shaul)

**From:** [Sarah Morse](#)  
**To:** [MCP-Chair](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#)  
**Cc:** [Paul, Susanne](#); [Riley, Mike](#); [Hisel-McCoy, Elza](#); [Dickel, Stephanie](#); [Mencarini, Katherine](#); [Lloyd Guerci](#); [Susan Spock](#); [CCCFH Patricia Johnson](#); [Jenny Sue Dunner](#); [LYNNE BATTLE](#); [T. Reid Lewis](#); [Cynthia Green](#)  
**Subject:** Petition to Abandon ROW, AB-773  
**Date:** Tuesday, November 17, 2020 2:34:19 PM  
**Attachments:** [LFWA Comments Abandonment Petition, Westbard.pdf](#)

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

Please find attached comments from the Little Falls Watershed Alliance regarding the right-of-way abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road.

Thank you for all your hard work on this. We appreciate the effort to bring the new Willett Branch Park to fruition.

Stay Healthy,  
Sarah

Sarah Morse  
Little Falls Watershed Alliance

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Sarah Morse

*Support your local watershed group. Visit Little Falls Watershed Alliance online - [www.LFWA.org](http://www.LFWA.org)  
Find us on [Facebook!](#)*



# LITTLE FALLS WATERSHED ALLIANCE

EDUCATION - ACTION - STEWARDSHIP

Sarah Morse  
Executive Director

Comments from Little Falls Watershed Alliance  
Right-of-way Abandonment, AB-773, Portions of Westbard Avenue and Ridgefield Road

Board of Directors:

November 17, 2020

Jack Sobel  
President

Dear Planning Commissions and Staff,

Mikel Moore  
Vice President

Little Falls Watershed Alliance is an environmental stewardship group for the Little Falls watershed, a sub-watershed of the Potomac located in the Bethesda-Chevy Chase area of Montgomery County. We have been actively protecting our natural areas since we incorporated as a non-profit in 2008. With over 2,000 members, we engage more than 1,000 volunteers every year in stewardship projects like habitat restoration, stormwater management installations and trash clean-ups.

Sara Schneeberg  
Robinson  
Secretary

### **Green Infrastructure for the Health of the New Stream**

Jonathan Breul  
Treasurer

As the new development at Westbard is in our watershed and along the banks of the Willett Branch, we have been following the proposed projects since the initial meetings to revamp the Westbard Sector Plan. Along with making sure that the developers follow the strictest application of the County's excellent environmental guidelines, we have an active interest in the formation of the Willett Branch Stream Valley park and the naturalization of the Willett Branch. It promises to be a jewel for Montgomery County and a national model on how to restore urban streams. All new development and redevelopment in the area will impact the stream. It is our hope that Westbard redevelopment will be done in such a way to maximize the health of the new stream and that stormwater management for the area will be entirely Environmental Site Design (ESD). The green methods of ESD will protect the new stream from flooding and make sure that the ground water is properly recharged to give the stream a healthy base flow.

Laurie Fink

Randy Lyon

Karen Thornton

George Wyeth

[Board@lfa.org](mailto:Board@lfa.org)

### **New Road Must have 100% ESD Stormwater Management**

When the preliminary plans were approved last year, the Department of Permitting Services (DPS) allowed the developer to treat only 16% of the road run-off despite the county's commitment to treating stormwater on site. As you know, the run-off from a road is the most damaging run-off a stream can experience. As the rain water rushes down the pavement, it picks up what the National Academy of Science calls "a toxic brew of oil, fertilizers and trash". Without stormwater management, this mixture flows



directly to the stream, both flooding the stream and polluting it with trash, oil, chemicals, and other road debris. So, it is essential that the road be treated with the greenest infrastructure techniques.

It is with the health of the new park in mind that we offer these comments and ask that the petition be denied.

- **Proposed Abandon Areas Should be Used for Stormwater Management**

The staff recommendation states that the areas petitioned for abandonment are “no longer necessary for public use.” However, the areas are located along the new road and could be used for achieving 100% stormwater management for the new road. The developer was granted the large waiver for treating stormwater because it was stated that there no room for stormwater management in the right-of-way of the proposed re-aligned road. Lack of ROW makes the need for these areas even more essential. This road is located uphill from the new stream and every bit of the water from a storm will flow directly into the stream. With recent rain events flooding roadways and basements, we all know what happens when stormwater can't be absorbed into the ground. **These abandoned areas are necessary for public use.** It is in the interest not only of the stream, but of the surrounding residences, that water is captured and directed into the ground and not allowed to flood the area.

- **Water Feature for the New Willett Branch Park needs to be Addressed with New Road**

An important part of the new Willett Branch Stream Valley Park is the gateway park at River and Ridgefield and the daylighting of the Kenwood Tributary with a small water feature. The Kenwood Tributary is channelized now and flows under Ridgefield Road and into the Willett Branch via a 36-inch concrete pipe. If left to enter the stream in a pipe, the volume and velocity of water will create a tsunami of water every time it rains destroying the new stream. The water feature will slow down and spread out the inflow, saving the stream banks from erosion. However, the infrastructure of the new water feature starts under Ridgefield Road. This part of the park should be coordinated with the building of the new road. Until these details are worked out, the request for abandonment should be deferred.

### **Vision for Park is for Generations to Come**

There is little sense in putting millions of dollars into naturalizing the stream if stormwater is allowed to compromise its health. We know from past rain events the damage unchecked stormwater can do. We must not let that happen here. The right-of-way should not be abandoned, but used for stormwater management – a use that will benefit the entire community as well as the stream.

The Willett Branch Park is a vision for today and tomorrow. The new stream will delight future generations and hopefully our grandchildren's children will be playing in the sparkling water and enjoying the trails. This is our chance to get it right. There is no do over.

Thank you for your hard work on this,



Sarah Morse