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Transcript of Hearing

Date: December 15, 2020

Case: AB 773 - Abandonment of Portions of Westbard Avenue and Ridgefield Road

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MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION

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MONTGOMERY COUNTY DEPARTMENT :
OF TRANSPORTATION :
DIVISION OF TRANSPORTATION :
ENGINEERING : Case No. AB-773
-----x

HEARING
BEFORE THE HONORABLE RICHARD DORSEY
Conducted virtually
Tuesday, December 15, 2020
12:31 PM EST

Job: 342351
Pages: 1 - 42
Recorded by: Jesse Greer
Hearing, conducted virtually.

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A P P E A R A N C E S

ON BEHALF OF MONTGOMERY DEPARTMENT OF
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1 P R O C E E D I N G S

2 MR. WILLIS: Thank you everybody for joining
3 our public hearing today. My name is Eric Willis.
4 I'm with the Montgomery County Department of
5 Transportation and Property Acquisition
6 Inspection. We have Richard Dorsey here who is
7 going to be our hearing officer. I will turn
8 things over to him for his initial remarks.

9 HEARING OFFICER DORSEY: Greetings and good
10 afternoon to all of you. It is now 12:31 on the
11 15th day of December 2020, and we are now
12 conducting this hearing virtual via Zoom. We are
13 here for a public hearing of abandonment petition
14 AB-773 to consider an application received from
15 Miles & Stockbridge, PC on behalf of Applicant,
16 Equity 1 seeking to abandon a portion of Westbard
17 Avenue at Ridgeville Road rights-of-way of
18 Bethesda.

19 My name is Richard Dorsey. I am Montgomery
20 County Exec's designated hearing officer for the
21 Department of Transportation. This right away
22 abandonment hearing is being conducted pursuant to

1 Chapter 49-62F of the county code. My role in
2 this abandonment process is to write a report and
3 make a recommendation to the county exec
4 concerning the Applicant's petition for
5 abandonment. In order to do this, I will be
6 considering statements made at the hearing,
7 written comments received within the comment
8 period, until December 29, 2020 at 5:00 p.m. and
9 documents submitted to support and supplying a
10 position.

11 My report and recommendation will then be
12 forwarded to the county exec for consideration.
13 The county exec will then forward the report and
14 the county exec's recommendation to the County
15 Counsel. It is the County Counsel which will
16 decide whether to grant or deny the Applicant's
17 petition for abandonment.

18 Those who wish to submit written comments,
19 please submit them to Eric Willis at the
20 Montgomery County Department of Transportation,
21 100 Edison Park Drive, fourth floor, Gaithersburg
22 Maryland, 20878, or email them to

1 Eric.Willis@MontgomeryCountyMD.gov by December 29,
2 2020.

3 There are a few ground rules that we must
4 cover before Mr. Willis introduces the abandonment
5 petition into the record. First please turn off
6 or silent your cell phones. Second, as an issue
7 of decorum, all participants will be given their
8 due consideration. Those seeking to offer
9 comments following the close of the petition for
10 petitioner's case for abandonment are asked to be
11 mindful of the time and to limit their comments to
12 the relevant matters. Such comments should be
13 confined to less than three minutes.

14 If an interruption occurs, I will give the
15 individual their first warning. If there is a
16 second interruption, I will give the individual a
17 second warning and they will be muted. If the
18 same individual receives a third warning, that
19 person will be removed from the call. And if
20 there are several people making interruptions, I
21 will close the hearing.

22 Following Mr. Willis's introduction, the

1 Applicant will submit its case and why it believes
2 the right-of-way should be abandoned. After the
3 Applicant has completed its case, those who have
4 registered to speak will be afforded the
5 opportunity to make their relevant comments. I
6 now introduce to you Eric Willis, Chief from
7 Montgomery County's Department of Transportation,
8 Property Acquisition section.

9 MR.WILLIS: Thank you Mr. Darcy and good
10 afternoon to everyone on the call. As he
11 indicated my role as the assignment chief of the
12 property acquisition section for MCDOT, my section
13 is responsible for administering the request to
14 abandon public rights-of-way. I've spoken or at
15 least communicated with some of you over the last
16 couple of months, addressing comments and
17 collecting statements and so forth.

18 As Mr. Dorsey noted earlier, this process is
19 governed by the county code, Article 49, Section
20 6. The County Counsel may abandon a public right-
21 of-way if it finds that the right-of-way is no
22 longer needed for public use or anticipated future

1 public use, or if the abandonment is necessary to
2 protect the health, safety, and welfare of the
3 residents near the right-of-way to be abandoned.
4 Those are the issues we are going to be focused on
5 today.

6 In this case, the Applicant, which is Equity
7 1 Northeast Portfolio, LLC has requested that
8 portions of Westbard Avenue and Richfield Road
9 rights-of-way be abandoned because they are no
10 longer needed for public use or anticipated future
11 public use. The Applicant's request is being made
12 in connection with their proposed development --
13 redevelopment of the Westbard shopping center.
14 Specifically as part of that redevelopment, it's
15 proposed that the Westbard Avenue is going to be
16 realigned coming from River Road and connecting, I
17 guess, connecting back up to Westbard Avenue as it
18 curves around and we will see in an exhibit of
19 that.

20 And as a result of the realignment of the
21 road, there will be certain portions of the
22 existing right-of-way that will become excess and

1 no longer needed for public use. So I will leave
2 it to the Applicant to -- as part of their
3 presentation to speak in more details about that,
4 but that's the basic background as to why we are
5 here.

6 This hearing was authorized by the county
7 executive's designee as part of our administrative
8 process. It provided requisite notices to other
9 public agencies, abutting property owners, and the
10 public at large. As part of that process, we
11 collected a number of exhibits. I will now
12 introduce those exhibits into the hearing record.
13 Probably Ms. McCray could pull those up we can go
14 through them in order.

15 MS. MCCRAY: Hold on one second. Ready when
16 you are.

17 MR. WILLIS: Okay. Exhibit A is the letter
18 we received from Miles & Stockbridge on behalf of
19 Equity 1 request in the abandonment. B is sort of
20 a sketch showing in blue the areas of the existing
21 right-of-way that are going to become excess. The
22 area in red shown on this exhibit is actually land

1 that is going to be dedicated by Equity 1 to allow
2 for the realignment of Westbard Road. Westbard
3 Avenue, excuse me.

4 Exhibit C, an aerial photo of the existing
5 conditions. You will see River Road to the right
6 and Richfield coming off of River and Westbard
7 running parallel to River. Exhibit D is Executive
8 Order 127-20 authorizing today's public hearing.
9 Exhibit E is my email to the requisite agencies
10 and utility companies requesting comments on the
11 proposed abandonment.

12 And then we have the following exhibits,
13 which we can list them as we go through them one
14 by one, are the responses from the agencies.
15 Exhibit E1 is a memo from DOT's development review
16 committee. Exhibit E2 is an email from MCDOT's
17 traffic division. Exhibit E3 is an email from
18 Verizon. If we can go back up to those, let me
19 just briefly summarize what they say.

20 The review committee is recommending approval
21 of the abandonment subject to certain conditions
22 set forth in the memo. The email from the traffic

1 division then has certain conditions regarding the
2 proposed abandonment, the areas to be abandoned
3 including portion of existing road, pavement, to
4 ensure the underground utilities will be relocated
5 accordingly and also indicating that the future
6 realigned intersection Richfield and Westbard will
7 be a signalized intersection to ensure that there
8 is an easement to allow that to happen and
9 placement of the signal equipment.

10 The email from Verizon, Exhibit E3, that's
11 just a -- noting that they are aware of the
12 developments and aware that their facilities will
13 be relocated as part of the development and
14 realignment. Exhibit E4 is an email from WSSC
15 indicating they don't oppose the relocation and
16 abandonment so as long as it doesn't impact their
17 facilities. They also noted that they are aware
18 of the redevelopment.

19 Exhibit E5 is an email from Washington Gas,
20 no objections to the abandonment and they've also
21 been coordinating with the proposed developer,
22 with the developer for the mainline. Exhibit E6

1 is an email from the fire marshal's office
2 indicating they have no additional comments to the
3 abandonment. Exhibit E7 is an email from the
4 Montgomery County Department of Permitting
5 Services indicating they have no additional
6 comments on the proposed abandonment.

7 Exhibit E8 is correspondence that I have had
8 with Pepco. They've indicated that they would be
9 opposed to the abandonment if it meant that they
10 would have to relocate the facilities. So I don't
11 know to what extent Pepco has been involved with
12 the redevelopment effort. Perhaps the Applicant
13 can speak to that.

14 Exhibit F was a letter from the Planning
15 Board indicating that they would approve the
16 abandonment. And then Exhibits F1 through 3 are
17 attachments to the letter we received from the
18 Planning Board and that included letters that were
19 submitted as part of the Planning Board hearing
20 which was held back in November, I believe on the
21 19th. Some additional correspondence in Exhibit
22 F2. And F3 was the Planning Board staff report

1 that basically that they did prior to the hearing
2 on the 19th.

3 Exhibit G was the notice of public hearing
4 that was sent out from our office to various
5 owners and community associations. Exhibit H is a
6 copy of the mailing list with some labels that we
7 addressed and sent notices to. I handwrote in the
8 two that you see there. I printed out the notices
9 and I think we left them off, but we did send
10 notices to those people as well, at least one of
11 which is in abutting property.

12 Exhibit I is the proof of the ad that ran in
13 the Washington Times on December 1st. Exhibit J
14 is the ad that ran the following week on December
15 8th also in the Washington Times.

16 The remaining exhibits are statements or
17 attachments that members of the public have
18 submitted for the record; Exhibit K testimony of
19 Cynthia Greene, who I believe has also signed up
20 to speak today. Exhibit L is testimony from Ms.
21 Lynne Battle on behalf of the Westport City group.
22 Again, believe she has also signed up to speak

1 today. There are actually two that we received
2 from Ms. Battle. One, I think the first one in
3 Exhibit L was what she had submitted to the
4 Planning Board hearing and she also submitted
5 testimony for today's hearing.

6 Exhibit M is a statement from Jim Young with
7 his statement on the abandonment. Exhibit N is an
8 email I received from Peter Mitchell. Exhibit O,
9 statement received from Phyllis Edelman. Exhibit
10 P, an email received from Vaneshia Pareve Khourdi
11 (phonetic). And Exhibit Q is an email received
12 from Raquel Shamon (phonetic). That will conclude
13 the exhibits that we have for today's hearing.

14 I will now turn things back over to Mr.
15 Dorsey. Who appears to be muted.

16 MS. MCCAY: Hold one second. Let's see, Mr.
17 Dorsey, all right.

18 HEARING OFFICER DORSEY: Okay. At this time
19 we will hear from all public comments. Just a
20 reminder that you have three minutes to present
21 your comments and --

22 MR. WILLIS: I think we need to hear the

1 Applicant's case first, please.

2 HEARING OFFICER DORSEY: Okay. I'm sorry. I
3 apologize. You will now hear from the Applicant,
4 Miles & Stockbridge, Equity 1 Northeast Portfolio
5 LLC.

6 MS. GIRARD: Thank you. Let me get unmuted.
7 Erin Girard with Miles & Stockbridge on behalf of
8 the Applicant Equity 1 Northeast Portfolio. With
9 me today I have Kevin Johnson, who is a civil
10 engineer who has testified in a number -- in front
11 of a number of bodies in the county as an expert
12 witness in civil engineering. He's been the
13 project engineer.

14 And then also with me is Sam Siebel who is
15 with Regency Centers who is the parent company of
16 Equity 1 Northeast Portfolio. So just to make
17 that clear.

18 I have a PowerPoint to share. It says host
19 disabled participant screen sharing.

20 MS. MCCAY: No worries. Give me one second.
21 All right. Can you give it a try one more time?

22 MS. GIRARD: Okay. Can everyone see that?

1 MS. MCCAY: Yes, ma'am. Good to go.

2 MS. GIRARD: Okay. So this is just the cover
3 slide. So obviously our letter that we submitted
4 that's in the record covers the basis for the
5 request and includes a number of exhibits. But
6 just for ease of reference, we wanted to go
7 through some of the high points of the abandonment
8 request.

9 So as many -- probably everyone on this call
10 knows, the realignment of Westbard Avenue was a
11 primary recommendation coming out of the 2016
12 Westbard sector plan. I've highlighted -- I
13 understand it's small, but I've highlighted some
14 relevant pages from the sector plan that calls for
15 that realignment.

16 Following the adoption of the Westbard sector
17 plan, Equity 1 Northeast Portfolio came through
18 with their development proposal which included
19 both the preliminary plan for all the parcels
20 under their ownership as well is the site plan for
21 the main shopping center parcel where the Giant is
22 today.

1 And coming out of that approval, the Planning
2 Board recommended, as you can see condition number
3 18 highlighted, that the Applicant abandon the
4 portions of Ridgefield Road and Westbard Avenue
5 that were no longer necessary after the
6 realignment takes place. As noted, I know that
7 it's already included in the record, but this is
8 the Planning Board's recommendation of approval of
9 the abandonment request.

10 I also just wanted to highlight that Equity 1
11 owns all of the parcels that adjoin the areas to
12 be abandoned, but there is one area that abuts
13 single-family homes on Ridgefield Road. However,
14 as part of the dedication of the plat back in plat
15 number 4456 back in 1965 I think it is, the
16 dedicated area came off of the shopping center
17 site. So therefore once it's abandoned, it will
18 revert back to the successor who is Equity 1, of
19 the shopping center.

20 With that I'm going to turn it over to Sam
21 Siebel. He can kind of just give you a brief
22 recap of where we've been and where we are now.

1 MR. STEIBEL: Thank you, Erin. Good
2 afternoon everyone. As Erin said, my name is Sam
3 Steibel. I'm with Regency Centers and we're the
4 developer of Westbard and parent for the
5 Applicant, Equity 1. I will try to be brief and
6 try not to be too repetitive, but I want to just
7 provide a quick background today.

8 Before I jump in, Mr. Willis, I just wanted
9 to follow up on the Pepco item. Similar to the
10 other utilities here, we've been working with them
11 and we are happy to provide confirmation after
12 this hearing if needed.

13 With that, I'll just give the quick
14 background, which is the 2016 Westbard sector plan
15 as well as our approved preliminary plan as Erin
16 mentioned, both require the realignment of
17 Westbard Avenue. The realignment will connect to
18 the existing Westbard to River Road at the current
19 intersection with Ridgefield Road. The new
20 alignment will cut-through our existing West Wood
21 2 building and require dedication by us of just
22 over an acre of land there.

1 We're currently moving through the design and
2 permitting process for the new road. We plan to
3 begin construction as soon as next year. Once
4 work is complete, the abandonment of the old road
5 can then become effective. With that, thank you
6 all very much for your time. I will be available
7 to answer any questions you have.

8 MS. GIRARD: Wonderful. Next we would like
9 to turn it over to Kevin Johnson.

10 MR. JOHNSON: Good afternoon. For the
11 record, my name is Kevin Johnson. I'm president
12 of Johnson Burnett Associates. I'm a licensed
13 professional engineer for over 30 years. Johnson
14 Burnett Associates has prepared the plans and
15 studies that have been presented as part of this
16 application. We have been active as the civil
17 engineer on the project since early in 2018, so
18 have quite the history going forward on this
19 application.

20 I just wanted to reiterate a comment that
21 Erin had made previously. I have testified in
22 front of this body for -- most recently for an

1 abandonment of a portion of Reed Street and also
2 have been qualified as an expert in civil
3 engineering for the Board of Appeals for zoning
4 matters. Erin, did you --

5 MS. GIRARD: Sorry. So we would move his
6 admission as an expert in civil engineering.

7 MR. JOHNSON: So carrying on, this
8 application is looking to abandon 9,123 square
9 feet of previous Ridgefield right-of-way that will
10 be assimilated into what is the Manor Care parcel
11 on the northeast of the current Ridgefield Road,
12 and also 5,891 square feet of a portion of
13 Westbard Avenue. The purple piece that you see on
14 the left of the exhibit on the right there, that
15 will become a -- lot 24, Block D. That piece is
16 not currently contemplated for redevelopment. The
17 intention is to remain as open space and will be
18 replanted.

19 We -- there was the correspondence from the
20 utility companies, I just want to clarify again
21 what Mr. Steibel just testified to, that we have
22 also been working with Pepco along with Washington

1 Gas and Verizon so that the Applicant will be
2 responsible for the relocation of their current
3 facilities underground within the limits of the
4 new realigned Westbard Avenue and subsequent to
5 their relocation, the need for the current
6 overhead will be removed and will no longer
7 require the existing right of ways.

8 As noted in WSSC's response, we are also
9 working with the development services group on a
10 systems extension permit to relocate the existing
11 water and sewer facilities out of the current
12 dedication or roadway area and into the new area
13 of dedication. Again, they will no longer require
14 their facilities upon relocation. Upon completion
15 of the road, construction and the utility
16 relocation, the public need for the existing
17 right-of-way will no longer be needed and the
18 public use will no longer be necessary.

19 MS. GIRARD. Thank you, Kevin.

20 Just finishing with the exhibit, this is the
21 technical exhibit that we included in the
22 submission showing the abandonment areas as well.

1 So just to conclude, as noted and really it is
2 shown probably best here, Equity 1 is dedicating
3 much more land for the new roadway than they
4 actually are seeking to abandon. The Planning
5 Board has already approved for at least the part
6 of Ridgefield Road to be abandoned, has approved
7 for that to be included in future redevelopment of
8 the manor, what's known as the Manor Care site
9 with townhouses. As Kevin noted the other is a
10 just expected to remain, again obviously, with
11 grass and trees and what have you.

12 So we feel that it's a pretty straightforward
13 case. It's called for in the sector plan. It's
14 called for in the entitlements and under 49-63 of
15 the Montgomery County code. It not only is that
16 it will no longer be necessary -- the portions to
17 be abandon will no longer be necessary for
18 present, public use, or anticipated public use.
19 And subsection 2, it is consistent with the
20 approved sector plan. So that concludes the bulk
21 of our case. We are happy to answer any
22 questions. And then we reserve the right for any

1 rebuttal at the end after everyone else has
2 testified.

3 HEARING OFFICER DORSEY: Any questions for
4 the Applicant?

5 At this time we will hear public comments.
6 We will start with Phyllis Edelman.

7 MS. EDELMAN: Okay. All right. Can you hear
8 me? Can you see me? I don't know. Can you hear
9 me?

10 MS. MCCAY: Yes.

11 MS. EDELMAN: Am I on-screen or no?

12 MR. WILLIS: Yes.

13 MS. EDELMAN: Yes, okay. Thank you. All
14 right.

15 My name is Phyllis Edelman. I'm a resident
16 of Springfield. And from 2014 to 2017 I was
17 president of the Springfield Civic Association.
18 I'm testifying in support of the abandonment of
19 portions to Westbard Avenue and Ridgefield Road.
20 In 2014 as the charrettes for the Westbard sector
21 plan unfolded, community members and I talked to
22 planners about traffic issues we had at River

1 Road, Ridgefield Road, and Westbard Avenue.

2 Fortunately, the charrettes were held at
3 Westwood 2 right where these traffic issues occur.
4 So the planners had a bird's eye view of the
5 problems; a too narrow right hand turning lane
6 from eastbound River Road to Ridgefield Road,
7 making it impossible for the tractor-trailers
8 delivering to Giant Food at the Westbard shopping
9 center to turn without moving into the oncoming
10 lane on Ridgefield Road, and an ever-increasing
11 volume of traffic on the 5500 block of Westbard
12 Avenue between River Road and Ridgefield Road
13 which is a block of single-family homes in
14 Springfield.

15 The developer, Equity 1, was asking for a
16 gateway to their redevelopment properties on
17 Westwood 1. However, Ridgefield Road is really a
18 gateway to the Springfield community. It extends
19 at least a mile up and there are lots of homes in
20 Springfield that line Ridgefield Road. The
21 planners came up with a solution, realign Westbard
22 Avenue to flow into River Road where it now meets

1 Ridgefield Road.

2 The Springfield residents on Westbard Avenue
3 would get protection from the traffic volume,
4 which will inevitably increase with redevelopment,
5 and the developer would get its gateway. So if
6 abandonment of portions of Westbard Avenue and
7 Ridgefield Road will lead to the realignment of
8 Westbard Avenue, I support the measure. Thank you
9 for your time.

10 MS. MCCAY: Ms. Green, you are next.

11 MS. GREEN: Hello. Thank you for giving me
12 this opportunity to testify. I am Cynthia Green,
13 I am the president of the Springfield Civic
14 Association. The Springfield Civic Association
15 supports the road abandonment and of the new
16 realigned Westbard Avenue. The new road will help
17 to keep out cut-through traffic off of our
18 residential streets.

19 I live on the block the 5500 block of
20 Westbard Avenue, which is between River Road and
21 Ridgefield Road. Over the years, the county
22 traffic engineers have added many improvements to

1 reduce cut-through traffic through our block.
2 Sadly, none of these measures have reduced the
3 traffic volume. There was a January 2020 traffic
4 study that found that 9645 vehicles came down our
5 street during the week of the study. The study
6 found that the volume of tractor-trailers and
7 buses had increased compared with the 2017 study.

8 Once the realignment is completed, we will be
9 allowed to close off our street at River Road as
10 stated in the Westbard sector plan. This will
11 make a big difference in our neighborhood.

12 However, the new configuration does not have a
13 plan to have a traffic light at the intersection
14 at the new realigned road. This raises safety
15 concerns since the vehicles and pedestrians will
16 be crossing up to five lanes of traffic without a
17 traffic signal or even a pedestrian crossing.

18 Also, the road curves and dips down the hill
19 near the Kensington Senior Living building
20 creating a blind spot. The traffic -- delivery
21 traffic truck areas below the curve blocking the
22 sight line for drivers, bicyclists, and walkers

1 and they won't be able to see the trucks coming
2 out of the building. Therefore, it's very
3 important to install a traffic signal at this
4 intersection. It would prevent accidents and
5 traffic backups at this intersection. Thank you,
6 very much.

7 MS. MCCAY: One moment. Next, we have
8 Edward. I don't see him in our meeting at this
9 moment. I'm not sure if that might be the caller
10 on the phone. If that's you caller, please unmute
11 yourself. All right.

12 Next, we have Mr. T. Reid Lewis. Not sure if
13 we have that individual on the call also.

14 MR. WILLIS: I think the -- I think Ted
15 Hermes is the -- is speaker number three. It
16 didn't show up as Edward under the -- just for the
17 record.

18 MS. MCCAY: Is that the -- okay. My
19 apologies, sir. I sent you a request to unmute
20 yourself. All right.

21 MR. HERMES: Thank you. Good afternoon.
22 This is Ted Hermes. Can you hear me? Sorry about

1 that. Yeah, it's Edward, but I go by Ted. So let
2 me adjust my screen. It shows Ted.

3 MS. MCCAY: No worries.

4 MR. HERMES: Okay, thank you. Well anyway,
5 again, good afternoon and thank you. It's Edward,
6 Ted Hermes and I'm here today to support the
7 abandonment and the realignment of the road.

8 I currently live at 5301 Ridgefield Road and
9 have been a resident of the community for over 16
10 years and have recently served as a traffic chair
11 for the Springfield community as well. I will
12 note as already been identified, from the very
13 beginning of this process as this was looked at,
14 the proposal for the Westbard realignment was
15 fully supported by all of the communities, the
16 planner, and the developer in this case.

17 There were numerous traffic studies as I
18 recall to confirm that the road would need to be
19 realigned. It was clear that the current road as
20 set up was really a community -- it was a danger
21 to our community and furthermore that it really
22 wasn't designed to support the future development

1 that is called for in the Westbard sector plan.

2 The only other thing that I would add is I
3 believe at one point there was concern from the
4 neighborhood across River Road that they expressed
5 that maybe this realignment might increase traffic
6 into their residential streets. And I would just
7 add that I don't believe there is any support for
8 that and I would further add that in fact it's
9 probably the opposite, that the approved Westbard
10 Road will actually decrease cut-through traffic in
11 all the surrounding communities. We have noticed
12 that if you improve traffic flow to and from River
13 Road, that decreases traffic in our residential
14 neighborhoods.

15 So again, thank you for your time. That's
16 it.

17 HEARING OFFICER DORSEY: Thank you. I think
18 the next speaker is T. Reid Lewis.

19 MS. MCCAY: Do we have Mr. Lewis here?

20 HEARING OFFICER DORSEY: I don't see a Mr.
21 Lewis. That may be the --

22 MR. WILLIS: I don't see him on the list of

1 participants as well.

2 HEARING OFFICER DORSEY: Let's move on to
3 Patricia Johnson.

4 MS. MCCAY: All right, Miss Johnson.

5 MS. JOHNSON: Hi. Hi. I think Ted Lewis
6 just spoke. He goes by Ted instead of T. Reid
7 Lewis.

8 MS. MCCAY: No. No.

9 MS. JOHNSON: No?

10 MS. MCCAY: No.

11 MS. JOHNSON: Oh, who just spoke? It was
12 Hermes who just spoke. Sorry. Excuse me.

13 My name is Pat Johnson and I am -- I live in
14 Kenwood. Thank you to the Department of
15 Transportation and Mr. Dorsey for allowing my
16 testimony. Thanks to the planning commissioners
17 and staff for specifically addressing the safety
18 issue in the 2016 Westbard sector plan of serious
19 cut-through traffic and the Kenwood neighborhood.

20 On page 119 of the sector plan under the
21 heading, Neighborhood Protection, it's stated that
22 the Department of Transportation and the state

1 Highway administration should work with the
2 Kenwood community to develop a design and
3 operations plan for the River Road, Brookside
4 Drive intersection that better protects Kenwood
5 from cut-through traffic.

6 The Kenwood community appreciates the
7 Planning Board's recognition of this problem. We
8 look forward to working with SHA and DOT when they
9 begin to redesign the intersection of River Road
10 and Ridgefield Road. We request that current
11 restrictive entry signs for specific hours into
12 Kenwood placed at Ridgefield Road and the approach
13 to River Road be retained.

14 The signs have been in place for many years
15 and conform to similar restrictions in surrounding
16 communities. We want all the signs the same place
17 including the electronic arrow sign that is timed
18 with the light at Ridgefield and River roads. We
19 want the current signs and signal to be included
20 in the realignment plans for Westbard Avenue. We
21 also want the current science remain up in
22 operable during the construction of that

1 realignment.

2 Kenwood is in a vulnerable location for cut-
3 through traffic which is looking for a quicker way
4 to get to Bethesda and points north. Significant
5 new density at the Westwood 2 shopping center and
6 Kensington and Bethesda will increase that cut-
7 through traffic. Just to note, with the closing
8 of Little Falls Parkway to vehicles these past
9 eight months, Kenwood has experienced a surge of
10 commuter traffic and trucks that speed through
11 residential streets that don't have sidewalks.

12 SHA and DOT need to come up with solutions
13 that will protect the safety of Kenwood at this
14 high-volume intersection. The construction of the
15 alignment is underway, we request that commercial
16 and workman's vehicles be given an area to park on
17 site. Parking of such vehicles should not be
18 allowed on neighborhood streets.

19 There is a need for a traffic light at the
20 realigned Westbard Avenue where it curves at the
21 top and between the new townhomes on the right and
22 the new Kensington Bethesda building on the left.

1 A light is there now for pedestrian safety. A
2 light should be there for people walking to and
3 from the new Westwood Center and the Kensington
4 building.

5 Because of the closure at the Westbard
6 extension off River Road and the new developments,
7 there will be an increase backup of trucks at the
8 intersection of River Road and the realigned
9 Westbard Avenue. Are the turning lanes from both
10 directions on River Road long enough to handle the
11 truck back up? How will trucks turn into the new
12 senior living building off of Westbard? Will a
13 left-hand turn into the delivery area off Westbard
14 be allowed? There is a time restriction there now
15 for turns at that site.

16 Another question; what will happen to Lot 24,
17 Block D? Which you just answered and we were
18 really happy to hear it will remain green space
19 for storm water management. So thank you for
20 that. Also no taxpayers money should be used for
21 this realignment. This is a good amenity for the
22 developer. It's a gateway to their new

1 communities of commercial and residential
2 buildings. Thank you, very much for letting me
3 testify.

4 HEARING OFFICER DORSEY: Ms. Johnson, next we
5 will have -

6 MS. MCCAY: Ms. Battle.

7 HEARING OFFICER DORSEY: Lynne Battle.

8 MS. BATTLE: Good afternoon. I'm Lynne
9 Battle and I live in Westbard Muse on Westbard
10 Avenue. So I'm directly impacted by all of this
11 development and by the abandonment and by the
12 proposed realignment. I'm speaking here today on
13 behalf of the Westbard study group. We have
14 submitted comments as well, but we want to stress
15 three important issues which should be paid
16 attention to as this abandonment takes place and
17 as the realigned Westbard Avenue is rebuilt.

18 First, as has been noted by other speakers,
19 it is critical for the health, safety, and welfare
20 of the residents of this community that a traffic
21 light be put in at the intersection of the
22 proposed realigned Westbard and Ridgefield Road.

1 This is a place where pedestrians cross, including
2 schoolchildren, and to do so will be extremely
3 dangerous without a traffic light being put in
4 there.

5 Also, cars coming down Ridgefield wishing to
6 turn left on Westbard to reach River Road will
7 have a very difficult time, if not impossible time
8 doing so without a stoplight. It is not
9 sufficient to wait for a year and study this
10 issue. This light needs to be put in at the time
11 that the reconstruction and reopening of Westbard
12 it's done.

13 Secondly, we strongly believe that there
14 needs to be attention paid during construction to
15 the Willett Branch Greenway Park which is the
16 single most important public benefit of this
17 entire redevelopment. When the road is rebuilt,
18 it will have to be constructed over the Kenwood
19 branch stream as it flows into the Willett Branch
20 at the beginning of the proposed Greenway Park
21 which is adjacent to this piece of land that is
22 going to be realigned, this piece of road.

1 During construction, the flow of one stream
2 into another should be made into a small waterfall
3 feature which would set off the beginning of the
4 park and create an inviting entranceway into what
5 is supposed to be this little jewel that we're
6 supposed to get in our community. So we -- it is
7 our understanding that if that is not done while
8 this road is being reconstructed, the proposed
9 waterfall will probably never be possible. So
10 again, this should be done at the time that the
11 realigned road is rebuilt and all the cost
12 associated should be paid for by the developers.

13 Finally, as has been mentioned before, the
14 road abandonment will create a new area, Lot 24,
15 Block D, which no construction is contemplated. I
16 am pleased to hear it is going to be kept as open
17 space. We believe it should be used for storm
18 water management for the road as a whole. Indeed,
19 at the hearing on the preliminary plan, members of
20 the Planning Board advocated that the developer
21 use storm water management best practices for the
22 new Westbard Avenue in keeping with the sector

1 plan, which states that storm water management
2 treatment should be done on site wherever feasible
3 and the use of waivers and should be limited.

4 If this is not done, road runoff is likely to
5 go down into the newly established Greenway Park,
6 adversely affecting the water quality and also
7 recreational use of the park. So accordingly, we
8 believe that the best practices for storm water
9 management should be prepared on this particular
10 parcel and that should be done now.

11 So I appreciate your attention to this matter
12 and hope you will support these three critical
13 recommendations. Thank you.

14 HEARING OFFICER DORSEY: Thank you. Next we
15 will have Peter Rizik.

16 MR. RIZIK: Can you hear me?

17 HEARING OFFICER DORSEY: Yes.

18 MS. MCCAY: Yes sir, we can.

19 MR. RIZIK: So I would like to ask you to
20 move your telescope. Leave it where it is, but
21 pull it up into the air and instead of 1,000 feet
22 in the air, look about from 10,000 feet in the air

1 and 20,000 and 30,000 and broaden the view from
2 just this one square mile area to 10 square mile,
3 to 20 square miles, 30 square miles.

4 This is taking place in the context of
5 tremendous ill-fated growth in all of Montgomery
6 County. We are driving density. This entire
7 project is about driving density. And it's very
8 unfortunate. We've got this project, the Westbard
9 project. We've got the Manor Care redevelopment,
10 85 floors, I guess, 112 units, then 91 parking
11 spots. We got a lot of the other density issues.

12 And I'm here in Kenwood, we just get a
13 tremendous amount of pressure on the River Road
14 side and the (inaudible) side. We get a lot of
15 cut-through traffic. I would like you to just
16 think about this in terms of density and where we
17 are and where we are going. In our neighborhood
18 as I think Pat Johnson mentioned, we've got a real
19 problem with cut-through traffic and motorist
20 behavior and safety.

21 And the closing of Little Falls recently to
22 cars on weekends has exacerbated that and it has

1 shown us that we've got a very serious problem.
2 We've got lots of pedestrians and some very narrow
3 streets. One of the most narrow streets in fact
4 is Brookside, which is right across from this new
5 artery that you propose to feed right into River.
6 There are no sidewalks. There are lots of
7 walkers, joggers. There are all sorts of people
8 who come through this neighborhood. And I would
9 like you to think about, please, some of the
10 safety issues that we are encountering and please
11 consider some of that.

12 I think Pat, you mentioned the 2016 section
13 plan. One of the other speakers did as well. The
14 DOT and SHA I think pledged to work with us and we
15 really have some larger traffic calming issues
16 that have not been addressed. And contrary to
17 what Mr. (inaudible) just testified, I'm sorry but
18 this project is going to exacerbate those traffic
19 issues.

20 We're going to have problems during
21 construction. We're going to need more parking.
22 I guarantee you they're going to have construction

1 folks parking right along the Highland Drive right
2 in Kenwood. It's already a busy little, tight
3 intersection. And we are going to have a lot of
4 cut-through. So just please -- the signage that
5 Pat is talking about needs to be not just
6 recommitted to, but it needs to be edforced and it
7 probably needs to be ratcheted up a little bit.
8 So think about the safety. Think about the
9 parking. Think about some of the cut-through
10 ramifications that are going to occur as a result
11 of this. Thank you.

12 HEARING OFFICER DORSEY: Thank you. So is
13 there anyone else here on the call that would like
14 to speak that haven't added their name to the
15 list? If so, use the raise your hand feature.

16 MS. MCCAY: Remember if you are unable to
17 locate that feature, you're welcome to message in
18 a chat and I will go ahead unmute you.

19 I have not received anything in the chat.
20 I'm not sure if the caller on the phone is
21 interested in speaking. I'm not sure if they have
22 the option to use some of those features. Kevin

1 Johnson?

2 MR. JOHNSON: I'm sorry. I was just
3 responding to your earlier message. I'm sorry.
4 I'm just a little late to the game.

5 MS. MCCAY: Okay, no worries.

6 HEARING OFFICER DORSEY: So if there is no
7 one else wishing to speak at this time, we will
8 hear comments back from the -- the rebuttal from
9 the Applicant.

10 MS. GIRARD: Thank you, very much. Erin
11 Girard again. And I will be brief. There was a
12 number of concerns that were expressed that are
13 valid with regard to working with the County and
14 all of that for Kenwood. I just would note that
15 don't directly relate to the findings that need to
16 be made for this abandonment.

17 The same goes for Ms. Battle's comments about
18 what should or should not be included in the
19 reconstruction and the realignment and the storm
20 water management on the parcel to be abandoned.
21 In my experience, I've never seen the County
22 condition an abandonment on doing something once

1 the area is abandoned. I don't think it's
2 appropriate or allowed for in the law. So I just
3 would note that, that we think we meet the
4 required standards for the abandonment without any
5 additional conditions being added aside from the
6 ones that, you know, from the utilities about
7 realignment and what have you.

8 And then I would just know, understand the
9 traffic light situation. I believe that MCDOT has
10 decided that that is required. As far as my
11 client is concerned, we were always required to
12 put in the infrastructure for that if it was
13 warranted. So we are completely fine with that.
14 Again, it doesn't really relate to the abandonment
15 findings, but I just wanted to note that fact. I
16 think that was included in one of the exhibits as
17 well that DOT had suggested that that was going to
18 be necessary. So that's really all I had.

19 HEARING OFFICER DORSEY: Okay, thank you.

20 (Crosstalk)

21 HEARING OFFICER DORSEY: All right, once
22 again. For those who were interested in being

1 heard but didn't want to speak, you can submit
2 written comments to Eric Willis at Montgomery
3 County, Department of Transportation, 100 Edison
4 Park Drive 4th floor, Gaithersburg, Maryland,
5 20874, or by email at
6 Eric.Willis@MontgomeryCountyMD.gov by close of
7 business, 5:00 p.m. December 29, 2020.

8 The record will remain open until such time
9 of that date and time has passed.

10 This concludes the public hearing.

11 MR. WILLIS: Sorry Mr. Dorsey, I just wanted
12 to make one other point, that at the close of the
13 public record, we will be posting the exhibits
14 that are done today plus any additional comments
15 that are made. So those will be posted up on our
16 website at the close of the public record.

17 HEARING OFFICER DORSEY: Thank you, Eric, for
18 that reminder. So this concludes the public
19 hearing for the abandonment of Westbard Avenue and
20 Ridgefield Road. Thank you.

21 MR. WILLIS: Thank you.

22 (Off the record at 1:23 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Jesse Greer, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Jesse Greer, Court Reporter

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CERTIFICATE OF TRANSCRIBER

I, Molly Bugher CDLT-161, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Molly Bugher

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