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Transcript of Public Hearing

Date: September 19, 2023

Case: Intersection of NW Westbard Ave/River Road, In Re:

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

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In Re: :
Intersection of NW Westbard Ave/River Road :
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PUBLIC HEARING
BEFORE THE HEARING OFFICER JOSE THOMMANA
Conducted Virtually
Tuesday, September 19, 2023
2:20 p.m. EST

Job No.: 502983
Pages: 1 - 73
Recorded By: Manita Joseph

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PUBLIC HEARING, held virtually.

Pursuant to agreement, before Manita Joseph,
Court Reporter.

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A P P E A R A N C E S

ON BEHALF OF THE ACTING CHIEF OF PROPERTY
ACQUISITION:

TIARA MCCRAY, ACTING CHIEF PROPERTY ACQUISITION
MONTGOMERY COUNTY DEPARTMENT OF
TRANSPORTATION (1100167)
Division of Traffic Engineering and
Operations
100 Edison Park Drive
4th Floor
Gaithersburg, Maryland 20878
(Present via videoconference)

ALSO PRESENT:

Friedson - Office of Council Member
Rebecca Torma - MCDOT Employee
Robert Birenbaum - Office of County Attorney
Benjamin Mann - Applicant
Michael Chen-Young
Ray Hylton, Sr.
Phyllis Edelman
Kiska Williams

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A P P E A R A N C E S (Continued)

ALSO PRESENT (Continued):

Janice Lilja

Kathryn Spindel

Jon Shartar

Edward Ted Hermes

Patricia Spangler

George Jovanovic

Robert Girouard

Susan X. Zeng

Carl Becker

Lee Janger

Hassan Javadi

Phillip Pradier

Carly Tu

Allison Gross

James Tichenor

Cynthia Green

Richard Hoye

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(Retained by Counsel.)

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1 P R O C E E D I N G S

2 (Whereupon, the court reporter was duly
3 sworn.)

4 MS. MCCRAY: All right. Give me two
5 seconds, Jose, and I think I'll be ready to go.
6 Okay. All right. Seeing no other folks in the
7 waiting room, I have now turned the waiting room
8 off, so folks will be able to join, as necessary.
9 And I think we are good to go, Jose. Let me know
10 when you are ready to start, and I'll start the
11 recording.

12 And for those on the call, please be
13 advised that this public hearing is being recorded.
14 So please be mindful of what you share, if you do
15 not wish for that to become a part of the public
16 record. These recordings are uploaded to the
17 Property Acquisitions Section's website after the
18 record is closed. So just keep that in mind, please.

19 MR. THOMMANA: Okay. I'm ready to go.

20 MS. MCCRAY: All right. Here we go. And

21 --

22 AUTOMATED: Recording in progress.

23 MR. THOMMANA: Greetings and good
24 afternoon to all. It is now 2:20 p.m. on September
25 19th, 2023. We are conducting this hearing

1 virtually via Zoom. Today's hearing is for the case
2 AB 786, Westbard Avenue at River Road, to consider a
3 petition to permanently close the Westbard Avenue at
4 River Road access point in Bethesda's Westbard area.

5 Benjamin Mann submitted the petition
6 on behalf of the 5500 Westbard Avenue Civic
7 Association, the applicant. My name is Jose
8 Thommana, and I am the county executive designated
9 hearing officer with the county's Department of
10 Transportation. This hearing is being conducted to
11 consider the petition contemplating the permanent
12 closure of an existing access point. My role in
13 this process is to receive comments concerning the
14 petition and then to write a report and
15 recommendation to the county executive, concerning
16 the applicant's petition.

17 In order to do this, I will consider
18 statements made during this hearing and written
19 comments received within the comment period.
20 Comments will be accepted until October 3rd, 2023,
21 at 5:00 p.m. and should be submitted to Ms. McCray,
22 to support or explain a position on this case. For
23 those who wish to submit written comments, please
24 submit them to Ms. Tiara McCray, at the Montgomery
25 County Department of Transportation, 100 Edison Park

1 Drive, 4th Floor, Gaithersburg, Maryland, 20878, or
2 e-mail them to tiara.mccray@montgomerycountymd.gov
3 by October 3rd, 2023.

4 There are a few ground rules that we
5 must cover before Ms. McCray introduces the
6 applicant's petition into the record. First, please
7 turn off or silence your cell phones. And second,
8 as an issue of decorum, all participants must be
9 given due consideration, given the allotted time.
10 Those seeking to offer comment following the close
11 of petitioner's case, are asked to be mindful of
12 their time and limit their comments to relevant
13 matters. There is a considerable amount of people
14 who have requested an opportunity to make a
15 statement during this hearing.

16 I must stress that all comments
17 should be relevant to the case we are considering
18 today, and please do not try to offer statements
19 that are unnecessarily cumulative or repetitive to
20 those made prior. Third, should an interruption
21 occur, I will give that individual their first
22 warning. If there is a second interruption, I will
23 give that individual a second warning and they will
24 be muted. If the same individual receives a third
25 warning, that person will be removed from the call.

1 And if several people interrupt the hearing, I may
2 elect to end the call.

3 Following Ms. McCray's introduction,
4 the applicant will submit its case for why it
5 believes the access point should be permanently
6 closed. After the applicant has completed its case,
7 those registered to speak will be afforded an
8 opportunity to make relevant comments. Given the
9 time constraints for this hearing, it may be more
10 effective for you to provide written comments in
11 lieu of an oral statement. With that, I'm going to
12 turn it back over to Ms. McCray.

13 MS. MCCRAY: Just to confirm that
14 everybody can hear me?

15 MR. THOMMANA: Yes.

16 MS. MCCRAY: All right, thank you. Tiara
17 McCray. All right. Thank you, Mr. Thommana.

18 Good afternoon, everyone. My name
19 is Tiara McCray, and I am the acting section chief
20 within the property acquisition section of
21 Montgomery County Department of Transportation. My
22 section is responsible for considering petitions on
23 behalf of the Montgomery County Department of
24 Transportation. As Mr. Thommana noted earlier, this
25 hearing is to consider a petition to permanently

1 close the Westbard Avenue at River Road access point
2 in Bethesda's Westbard area.

3 Ben Mann submitted the petition on
4 behalf of the 5500 Westbard Avenue Civic
5 Association, the applicant. The subject of this
6 case is an access point at the intersection of the
7 northwestern terminus of Westbard Avenue at River
8 Road in Bethesda. Through a letter dated April
9 27th, 2023, Ben Mann, on behalf of the 5500 Westbard
10 Avenue Civic Association, requested the permanent
11 closure of all vehicular traffic at the Westbard
12 Avenue and River Road intersection. As contemplated
13 in the petition, the applicant notes that the access
14 point would remain open for pedestrian access and as
15 recommended in the 2016 Westbard Sector Plan, the
16 intersection should be reconstructed to create a
17 turnaround.

18 The access point and public right of
19 way for Westbard Avenue was originally dedicated to
20 public use in March 1956, by the Westwood Shopping
21 Center, plat number 4456, and later mentioned and
22 expanded in the part of Blocks D, E, F, G, and H
23 Westwood Subdivision plat number 5026, in October
24 1957. In March 2019, in connection with the
25 Westwood Shopping Center Development Plan,

1 preliminary plan number 120170170 and site plan
2 number 820180190, the Montgomery County Planning
3 Department of M-NCPPC recommended conditional
4 approval of the preliminary insight plans to include
5 the realignment of Westbard Avenue. As conditioned,
6 the developer Equity One LLC commonly referred to as
7 Regency Centers was required to seek the abandonment
8 of portions of county public right of way to
9 facilitate the realignment.

10 In April 2022, the County Council
11 adopted Council Resolution 19-1213, conditionally
12 approving the abandonment of 5,891 square feet, more
13 or less of Westbard Avenue and 9,123 square feet,
14 more or less, of Ridgefield Road to allow for the
15 realignment. As part of a detour plan for the
16 realignment of Westbard Avenue at Ridgefield Road,
17 Westbard Avenue has experienced closures from
18 vehicular traffic at both the River Road
19 intersection and Ridgefield Road intersection in
20 various stages, since June 2022. Westbard Avenue is
21 presently closed at its intersection with Ridgefield
22 Road due the -- due to the construction of the
23 realignment of Westbard Avenue.

24 The applicant asserts in its
25 petition that as outlined in the 2016 Westbard

1 Sector Plan, they're seeking the permanent closure
2 of the existing access point in an effort to protect
3 the health, safety, and welfare of the residents
4 near the right of way, as they have experienced
5 heavy vehicular traffic, primarily tractor trailers
6 and delivery trucks, utilizing the residential
7 portion of Westbard Avenue as a cut through to avoid
8 the River Road and Ridgefield Road intersection. At
9 the time of submitting the petition, the applicant
10 requested that the county not reopen vehicular
11 through traffic, excuse me, on the residential
12 portion of Westbard Avenue between River Road and
13 Ridgefield at the completion of the realignment
14 project.

15 In preparation for the hearing, my
16 office has provided the notices -- or excuse me,
17 notices to other public agencies, abutting property
18 owners, and the public at large. During this
19 process, we have collected a number of exhibits that
20 I will now introduce into the record. If someone
21 could be of support and let me know when you can see
22 my screen, that would be greatly appreciated.

23 MR. THOMMANA: Sure. I can do that.

24 MS. MCCRAY: Awesome. Thank you so much.

25 All right.

1 MR. THOMMANA: It's up. Yep.

2 MS. MCCRAY: Awesome. Thank you. And
3 everyone can still hear me; correct?

4 MR. THOMMANA: Yes.

5 MS. MCCRAY: Okay. Great. Exhibit A is
6 the applicant's Abandonment Petition dated April
7 27th from Ben Mann on behalf of the 5500 Westbard
8 Avenue Civic Association.

9 (Exhibit A was marked.)

10 MS. MCCRAY: This package includes a copy
11 of the petition filing fee and various exhibits that
12 support information detail -- detailed within the
13 petition, including police reports of property
14 damage and 23 letters of support from homeowners
15 along the residential portion of Westbard. This is
16 Pages 1 through 41, and for the sake of time, I will
17 not scroll through each page, but as mentioned, the
18 record will be uploaded on the Property Acquisition
19 Section website.

20 Exhibit B is the subject area
21 diagram, an aerial image of the intersection of
22 Westbard Avenue at River Road on Page 42.

23 (Exhibit B was marked.)

24 MS. MCCRAY: Exhibit C is Executive Order
25 number 136-23, executive order authorizing the

1 virtual public hearing to consider the applicant's
2 petition on September 19th, 2023, Page 43.

3 (Exhibit C was marked.)

4 MS. MCCRAY: Exhibit D is the 2016
5 Westbard Sector Plan, Page 37.

6 (Exhibit D was marked.)

7 MS. MCCRAY: This plan highlights the
8 section of the -- of the plan that endorses the
9 permanent closure of the residential portion of
10 Westbard Avenue between River Road and Ridgefield
11 Road at the River Road end. The plan notes that the
12 closure should not occur until the existing
13 intersection is realigned with a right angle turn
14 and that the closed end should have a three-inch
15 multiple curb for emergency vehicular access. Page
16 44.

17 Pages 45 through 46, Exhibit E,
18 Comment Solicitation e-mail, an e-mail dated June
19 20th, 2023, to county agencies and public utility
20 companies seeking input on the permanent closure
21 request.

22 (Exhibit E was marked.)

23 MS. MCCRAY: Exhibit F is the Department
24 of Permitting Services' fire and rescue service
25 comment, it's an e-mail correspondence from Marie

1 Labaud dated July -- excuse me, June 2nd through
2 July 11th.

3 (Exhibit F was marked.)

4 MS. MCCRAY: Noting their opposition to a
5 permanent non-accessible closure at the Westbard
6 Avenue and River Road intersection. As it violates
7 two provisions of county law. Ms. Lebaud further
8 indicates her support for an apparatus accessible
9 closure and willingness to so -- to work with all
10 involved parties to determine what apparatus -- what
11 that apparatus would look like. That's Pages 47
12 through 51.

13 Exhibit G is a WSSC Water comment
14 and e-mail dated June 22nd, 2023, from Raymond
15 Chicca, professional engineer, indicating no
16 objection to the road closure, but noting should a
17 future abandonment be sought that an easement would
18 need -- would be required as WSSC has an act of
19 water main in the right of way. Pages 52 to 53.

20 (Exhibit G was marked.)

21 MS. MCCRAY: Exhibit H is the Montgomery
22 County Planning Board M-NCPPC comment a letter dated
23 July 27th, 2023, from board chair, Artie Harris, in
24 -- indicating the Planning Board's five to zero vote
25 in favor of transmitting the Planning Board's staff

1 report in support of installing an interim closure
2 subject to MCDOT's analysis and design of the
3 Westbard Avenue -- excuse me, the design of Westbard
4 Avenue after the realignment is complete.
5 Additionally, the board -- the board voted to
6 include additional language in support of installing
7 an interim closure of Westbard Avenue at River Road.
8 This is Pages 54 through 118.

9 (Exhibit H was marked.)

10 MS. MCCRAY: Exhibit I is the Department
11 of Transportation Development Review Team comment, a
12 letter dated August 28th, 2023, from Rebecca Torma,
13 DRC manager, indicating the 2016 Westbard Sector
14 Plan. Specifies that the road should be closed
15 after the realigned Westbard Avenue is completed,
16 projected in the fall of 2023. She recommends
17 further study of the traffic operations at Westbard
18 Avenue at River Road, once the realignment project
19 is complete. Page 119.

20 (Exhibit I was marked.)

21 MS. MCCRAY: Exhibit J is the General
22 Public Hearing Notice, the letter dated August 4th,
23 submitted to affected properties along the
24 residential portion of Westbard Avenue and was
25 subsequently sent to HOAs and Civic Associations

1 that did not have registered e-mail address on file
2 with Montgomery County Planning Board. A list of
3 those properties that received this notice is
4 included on the second page of this exhibit. That's
5 Pages 120 to 122.

6 (Exhibit J was marked.)

7 MS. MCCRAY: Exhibit K is the certified
8 mailing receipts to certified mail receipts and
9 tracking information tickets for letters submitted
10 to the Tam and Jovanovich, I hope I'm pronouncing
11 that correctly, forgive me if I am not, families to
12 date. Although the notice was submitted on August
13 10th, 2023, the letters are still moving through the
14 USPS facility. That's Pages 123 to 124.

15 (Exhibit K was marked.)

16 MS. MCCRAY: Exhibit L are the returned
17 mailings of general public notice to returned
18 letters addressed as shown to -- to the property
19 owners as shown, which were unable to forward.
20 That's Page 125.

21 (Exhibit L was marked.)

22 MS. MCCRAY: Exhibit M is the comment
23 solicitation e-mails that was submitted to HOAs and
24 Civic Associations, e-mail dated August 16th, 2023,
25 requesting public input, and providing notice of

1 today's public hearing to all HOAs and Civic
2 Associations registered with the Planning Board. A
3 list of those groups, excuse me, that received this
4 notice via e-mail is included in subsequent pages of
5 this exhibit. Those highlighted received this
6 notice via mail as no e-mail was on file. That's
7 Pages 126 through 129.

8 (Exhibit M was marked.)

9 MS. MCCRAY: Exhibit N, MCDOT Calendar
10 Submission Confirmation from August -- oh, sorry.
11 Give me. One second.

12 Okay. Sorry. Exhibit N -- thank
13 you. Exhibit N, as -- as noted, MCDOT Calendar
14 Submission from August 8th.

15 (Exhibit N was marked.)

16 MS. MCCRAY: All right. Exhibit O is the
17 MCDOT press release, Go Montgomery Newsletter,
18 advertising the public hearing on August 31st, 2023.
19 Pages 132 to 133.

20 (Exhibit O was marked.)

21 MS. MCCRAY: Exhibit P, Washington Times
22 ad number 7425. Washington times ad noting the
23 advertisement run dates for September 1st and eighth
24 of this year. Pages 134.

25 (Exhibit P was marked.)

1 MS. MCCRAY: Exhibit Q, the Department of
2 Transportation Division of Traffic Engineering and
3 Operations Traffic Sign Installation --

4 MR. THOMMANA: I think you have the wrong
5 -- yeah.

6 MS. MCCRAY: Thank you. Appreciate your
7 patience. Exhibit P. Thank you. And Exhibit Q.
8 All right. All right.

9 Exhibit Q is the Installation Notice
10 dated August 17th from DTO, indicating two traffic
11 signs advertising the hearing, have been installed
12 at the requested locations. The subsequent pages of
13 this exhibit include pictures of each sign and the
14 requested locations of installation. That's Pages
15 135 through 138.

16 (Exhibit Q was marked.)

17 MS. MCCRAY: Okay. It's being awkward.
18 All right. Exhibit R is the Westwood Shopping
19 Center preliminary Plan number 1217170 and site plan
20 number 820180190. Pages 31 through 32 of 63.
21 Figures 19, the Westbard Avenue realignment plan
22 detail, and figure 20 the pedestrian vehicular
23 circulation phase two of Westwood two and Manor
24 Care, from the preliminary plan and site plan from
25 Montgomery County Planning Department of M-NCPCC

1 depicting the realigned Westbard Avenue and access
2 points of the proposed Manor Care and Westwood two
3 sites. That's Pages 139 to 140.

4 (Exhibit R was marked.)

5 MS. MCCRAY: Exhibit S is the Westbard
6 Avenue 2017 and 2020 traffic studies. These
7 indicate the traffic and speed studies completed by
8 MCDOT, DTO on Westbard Avenue from October 28th,
9 2017, and January 24th through the January 30th,
10 2020 -- 2020, detailing counts from a speed and
11 class study for Westbard Avenue at the request of
12 local residents and council members at the time.
13 That's Pages 141 to 177.

14 (Exhibit S was marked.)

15 MS. MCCRAY: To ensure I've got the right
16 page because it's being a little bit awkward.

17 All right. Exhibit T is general
18 public comments to date. 86 general public comments
19 have been received from county residents. The
20 Springfield Civic Association and the Council of
21 unit owners of Kenwood Place Condominium
22 Association. That is Page 178 through 318.

23 (Exhibit T was marked.)

24 MS. MCCRAY: All right. Exhibit U are
25 relevant plats, Plat number 4 -- 4456 from 1956,

1 Plat number 5026 from 1957 depicting Westbard Avenue
2 and the access point to public use. That's Pages
3 319 to 320.

4 (Exhibit U was marked.)

5 MS. MCCRAY: Exhibit V is County Council
6 Resolution number 19-1213, conditionally approving
7 the abandonment of portions of Westbard Avenue and
8 Ridgefield Road to facilitate the realignment of
9 Westbard Avenue. Pages 321 through 322.

10 (Exhibit V was marked.)

11 MS. MCCRAY: Exhibit W is the public
12 hearing registration list showing 82 registrants,
13 the applicant, and four county staff members.
14 That's Pages 9 -- 319, excuse me, to 321.

15 (Exhibit W was marked.)

16 MS. MCCRAY: And finally Exhibit X, which
17 is the applicant's hearing presentation. Pages 322
18 to 346.

19 (Exhibit X was marked.)

20 MS. MCCRAY: At this time, I will turn
21 this back over to you, Mr. Thommana. Thank you
22 everyone for your patience.

23 MR. THOMMANA: Okay. So the next step is
24 for the applicant to go ahead and present this case.
25 And we do have a five-minute time limit, just want

1 to, make sure we -- we put that out there before we
2 start.

3 MR. MANN: Five minutes on the applicant
4 presentation? I was told that there would not be a
5 -- a time limit applied to the applicant. I thought
6 that was for public comment.

7 MR. THOMMANA: The -- the public comment
8 is restricted to a minute because of the large
9 number of people that have signed up. We -- we --
10 we do want to try and keep it short as possible. Of
11 course, we will consider everything in a written,
12 you know, testimony or anything that is submitted.

13 MR. MANN: It's a kind of complicated
14 case, and I spent a pretty long time putting
15 together a presentation under the understanding I
16 have 30 minutes to -- to go through it. Are you
17 completely sure of the --

18 MR. THOMMANA: You -- you -- you -- you
19 can, of course, submit the -- the presentation and
20 we will consider that with the -- with the written
21 comments that we receive, but to -- to provide an
22 unlimited amount of time for the presentation would
23 -- would just make this too long --

24 MR. MANN: Okay.

25 MR. THOMMANA: -- given the number of

1 people that have registered to speak.

2 MR. MANN: I just want to make clear that
3 I was told that I would have a much more substantial
4 amount of time and I'm really not sure where to cut
5 it down.

6 MS. MCCRAY: Mr. Thommana, there are --
7 there are folks in the comments that are yielding
8 their time to the presenter. I'm not sure if you'd
9 like to give him additional time as a result.

10 MR. THOMMANA: Well, we -- okay. We can
11 -- we can make it 10 minutes. So that gives, you
12 know, a little bit more time.

13 MR. MANN: Yeah, I'll -- I'll -- I'll --
14 I'll do my best. I understand everybody needs to
15 have time. I just -- anyways.

16 Okay. Am I sharing my screen here?

17 MS. MCCRAY: It's loading up now.

18 MR. THOMMANA: Yes.

19 MS. MCCRAY: Before you start, Ben, I
20 just want to remind everyone, please keep yourself
21 muted until you're called upon to unmute yourself.
22 Thank you for your cooperation.

23 MR. MANN: My name is Ben Mann, I'm the
24 president of the 5500 Westbard Avenue Block Civic
25 Association, we're requesting this permanent

1 closure. For logistical reasons, the right of way
2 cannot be closed to emergency vehicles in the short
3 term. Therefore, we're requesting that our petition
4 be approved subject to the following conditions.

5 Number one, permanent closure to all vehicles except
6 emergency vehicles to be implemented immediately
7 after the completion of the Westbard Road
8 Realignment Project or approval of this petition,
9 whichever occurs later.

10 Number two, when the end of the 5500
11 block is reconstructed into a turnaround, as called
12 for by the Sector Plan, the closure of the right of
13 way may be extended to include emergency vehicles,
14 but only if the newly reconstructed turnaround
15 design is first approved by DPS Fire and Rescue
16 Services for accessibility.

17 And number three, given that we
18 don't know how long it might take MCDOT to design
19 fund and construct a turnaround, we request that the
20 time period allowed before this condition would
21 cause the entire closure to be revoked by operation
22 of law, under County Code, Section 49-65D be
23 extended to 30 years.

24 I'm going to jump to the second page
25 here. One year ago, on October 25th, 2022, Sarah

1 Langencamp was struck and killed by a flatbed truck,
2 just two blocks from the intersection in question.
3 It happened in front of the Beacon Building Product
4 site, next door to the American Plant Center. The
5 truck driver was driving south on River Road,
6 turning into a driveway, a turn which is not subject
7 to any traffic controls. The intersection which we
8 are asking to have closed poses a similar danger,
9 this intersection is not subject to any traffic
10 controls. Per the studies already entered into the
11 record, 10,000 cars and trucks per week pass through
12 this intersection, thousands of them making the
13 illegal turn onto -- left onto River Road, which is
14 prohibited at all times.

15 Meanwhile, cyclists traveling
16 southbound down River Road's bikeable shoulder hope
17 that none of those 10,000 cyclists per week crossing
18 multiple lanes of traffic without a traffic signal
19 forget to look uphill for the cyclists. It happened
20 last year and all -- we all pray it doesn't happen
21 again. According to Vision Zero, road safety is a
22 shared responsibility among everyone, including
23 those who design, build, operate, and use the road
24 system. If our petition is denied by the
25 transportation decision makers in this county, the

1 cut through traffic on our block will resume putting
2 cyclists on River Road and pedestrians on Westbard
3 Avenue in danger once again. Granting our petition
4 would funnel all traffic moving between River Road
5 and the core of Westbard to the meticulously
6 planned, brand new, modern, cutting edge, and above
7 all, safe new intersection at River Road. No one
8 could possibly claim with a straight face that it's
9 safer for all those cars to turn at an uncontrolled
10 intersection and speed down a residential block.

11 Those drivers who cut through our
12 block, seeking to shave a few seconds off their
13 commute, by going around the traffic signal, they
14 are, by definition, the most aggressive drivers on
15 the road. This especially applies to those making
16 the illegal left turn, which are counted at 4,450
17 per week in the last study. The 2016 Master Plan
18 laid out the solution to this, realign Westbard
19 Avenue and close off this -- this public, right of
20 way. This is Page 14 from the Vision Zero 2024, '25
21 action plan, which you'll notice contains an
22 extremely relevant action item. S5 Corridor Access
23 Management, assess and remediate safety concerns
24 created by uncontrolled turning movements to and
25 from arterial and collector roads to neighborhoods

1 and driveways with direct access, with a specific
2 focus on left turn safety issues. It is right
3 there, clear as crystal, this intersection perfectly
4 meets Vision Zero's description of an intersection
5 in need of corridor access management.

6 This should be an easy call, given
7 that the master plan already calls for this
8 intersection to be closed and the danger can be
9 abated by -- in 15 minutes by placing orange plastic
10 barricades across the mouth of the intersection.
11 And especially given that the county has already
12 studied and endorsed this closure during the most
13 recent Sector Plan process. The closure might -- we
14 are requesting would not have prevented last year's
15 fatal accident, but it might prevent next year's.
16 Per County Statute, Section 49-63C2A, when
17 considering health safety and welfare issues, the
18 Council may consider any adopted land use plan
19 applicable to the neighborhood. Here you can see
20 the language from the 2016 Westbard Sector Plan,
21 Page 37. We all know in Montgomery County master
22 plans do not carry the force of law; further
23 government action is required before any of its
24 terms can be implemented.

25 However master plans are the end

1 result of a multi-year process of public engagement
2 with various government agencies, and they should
3 not be ignored lightly. That language in the Sector
4 Plan does not exist in a vacuum. It is crucial to
5 understand where it came from. The residents of the
6 5500 block have been advocating for a solution for
7 decades, during the development of the 2016 West --
8 west -- Westbard Sector Plan, neighborhood finally
9 got the attention of county government officials.
10 You can see from the highlighted text on Page 9 of
11 the Planning Board Staff Report, Staff worked with
12 MCDOT, MCDPS Fire and Rescue, and Sector Plan
13 stakeholders to reach consensus on a compromise.
14 That compromise was recorded on Page 37 of the
15 Sector Plan as approved by the County Council and
16 adopted by M-NCPPC.

17 Though all those agencies commenting
18 on this petition were involved in the formulation of
19 that language, and to be clear, this language was
20 indeed a compromise. We wanted this road closed off
21 back in 2016 when these discussions occurred, but
22 MCDOT and the County Council determined that it
23 would've been premature then because this road was
24 still needed for large trucks to be able to access
25 the core of Westbard, due to the challenging

1 geometry at the existing intersection. The
2 compromise was that this this road would remain open
3 until the road realignment occurred and could be
4 closed afterwards. This has been memorialized in
5 the county's own legislative history, see the County
6 Council Staff Report written by Glenn Orlan, dated
7 February 25th, 2016.

8 I'm going to skip over most of this
9 because I have nowhere near enough time to discuss
10 it. But this block used to be a cul-de-sac back in
11 2 -- in 1956, when -- when the original dedication
12 was made, it was thought that this would be the
13 access road to Westbard. That's not what happened,
14 Ridgefield Road became the access, they put a
15 traffic light there, this remained a cul-de-sac up
16 until 1962. This is a satellite photo of -- of the
17 neighborhood in 1962 and you can see that this road
18 was not built at that time, Ridgefield and
19 Springfield were the connectors, but we are asking
20 to go back to the old cul-de-sac. The comments of
21 the Planning Board on July 27th, the Montgomery
22 County Planning Board voted unanimously to support
23 our petition for permanent closure, and they also
24 voted unanimously in support of our request that
25 this closure commence immediately upon completion of

1 the Road Realignment Project. It's important to
2 understand that -- that -- that they they voted in
3 favor of not just the eventual closure here, which
4 would be studied for multiple years, but to have it
5 closed immediately, and that the study period
6 following the permanent closure would be to study
7 how to construct the permanent closure, how to -- to
8 redesign it.

9 It will have to be implemented
10 temporarily through plastic barriers or perhaps a
11 mountable curb. The permanent design will take time
12 and we accept that, that's not a problem, what we
13 want to avoid is having cut through traffic resume
14 in three months when the construction project is
15 completed. Where we agree with planning staff,
16 despite our disagreements with planning staff
17 regarding the timing and nature of the permanent
18 closure, we are grateful for their clarity regarding
19 the statutory requirements for closure. Planning
20 staff spent quite some time laying out the facts,
21 analyzing them, and concluding that our petition
22 does indeed meet the requirements for permanent
23 closure. On Page 13, the Planning Board staff
24 states, Based on the public process and County
25 Council approval of the Sector Plan's endorsement to

1 close Westbard Avenue at River Road, the
2 intersection is not necessary for present or
3 anticipated public use in the foreseeable future.
4 This segment of Westbard Avenue was not intended for
5 heavy truck or through traffic accessing the
6 Westbard Shopping Center. We heartily agree with
7 Westbard -- with the Planning -- planning Board
8 staff on this point.

9 Jumping over to another comment that
10 this Planning Board staff made, Closure of the
11 residential portion of Westbard Avenue would
12 eliminate the practice of using it as a bypass for
13 the intersection of Ridgefield and River Road, the
14 closure therefore compliments the Realignment
15 Project and ensures that heavy trucks will no longer
16 use the residential segment of the street. Reducing
17 the number of heavy trucks on the residential
18 portion of Westbard Avenue will improve public
19 health and safety of residents near the closure.

20 Continuing to move forward here.
21 Skip this one. This is the 2016 letter sent by the
22 Springfield Civic Association in support of this
23 permanent closure. I understand that some residents
24 of Springfield, including the president of the SCA
25 have written letters in opposition. What has

1 changed since then to cause some residents to no
2 longer support something they supported heartily in
3 2016 is very simple, the Temporary Detour Plan.
4 MCDOT and DPS in 2021 decided to approve a complete
5 closure of the Westbard Ridgefield connection
6 between River Road and the core of Westbard. This
7 drove enormous amounts of cut through traffic into
8 the Springfield neighborhood. The Springfield
9 neighborhood led by the SCA board became irate,
10 understandably. However, in a misguided attempt to
11 alleviate matters in the neighborhood, the SCA
12 advocated for resuming cut through traffic on the
13 5500 block of Westbard. MCDOT denied this request,
14 however, as a result, we've only had 15 months of
15 simmering resentment amongst the residents of
16 Springfield.

17 They are confusing the results of
18 the temporary detour plan with the permanent new
19 alignment. Once the new road opens traffic
20 struggles will evaporate in Springfield, and if our
21 petition is not approved, we will be back to dealing
22 with worse cut through traffic than any street in
23 Springfield has ever suffered at the worst points
24 during this detour plan. In fact, this closure,
25 whether it's approved or not, no one in Springfield

1 will even notice at all. If our block over here is
2 closed off, the shortest cut through route, through
3 the neighborhood becomes Ridgefield up to
4 Springfield. Drivers who are looking at this don't
5 think, oh, well, I can't cut through there. Where
6 can I cut through?

7 Drivers think, what's the shortest
8 way for me to get home? The intended route home, if
9 you're headed north, is to turn left onto River
10 Road. That route involves one left turn, zero right
11 turns, zero speed bumps, zero stop signs. If you're
12 going to cut through the neighborhood and take the
13 shortest alternative Ridgefield to Springfield, that
14 involves three left turns one, right, turn three
15 speed bumps, one stop sign. It boggles the mind to
16 think that anyone would -- would -- would expect
17 that that's going to be a desirable cut through
18 route. Our street has been --

19 MR. THOMMANA: I want to note that we're
20 at about 10 minutes. So if you could wrap up.

21 MR. MANN: All right. The same applies
22 to the next slide just in reverse. These are all
23 the routes which we'd like to have cut off, none of
24 them have public utility. This is the new road, it
25 is extremely robust, five lanes of through traffic,

1 a dedicated slip lane. I don't know why the county
2 would spend millions and millions of dollars
3 building this safe route, only to allow traffic to
4 cut the corner and -- and -- and go around the
5 traffic light.

6 And just a quick conclusion here.
7 In conclusion, the opposition to our position --
8 petition is either calling for an unnecessary
9 multi-year study or for the permanent -- status quo
10 to be permanently maintained. A brand-new
11 intersection and access route to the core of
12 Westbard is nearing completion at a cost of many
13 millions of dollars. This is an uncontrolled
14 intersection between a neighborhood and a highway,
15 which Vision Zero specifically calls out as a type
16 of intersection that should be remediated. The
17 Planning Board and the County Council have already
18 agreed that this intersection should be permanently
19 closed once the realigned road opens. The residents
20 of this block, with substantial support from
21 residents in the rest of Springfield have been
22 patiently waiting for Montgomery County to fill the
23 promise it made to us in 2016. Please demonstrate
24 that we were right to place our trust in local
25 government in 2016, reaffirm the compromise

1 memorialized in the Sector Plan and approve our
2 petition. Thank you.

3 MR. THOMMANA: Thank you. And -- and you
4 know, I do -- do want to mention that we will
5 consider everything that you submit. So if you
6 submit the presentation, we will consider all of
7 that in our process. So with that, we can move
8 ahead to any speakers that have registered to speak.

9 Tiara, you want to start?

10 MS. MCCRAY: Yes. Thank you. I have
11 Michael Chen-Young up first.

12 MR. CHEN-YOUNG: Okay, great. Thank you
13 very much. Thank you, Tiara, for that incredible
14 opening and Jose. I mean, I saw the size of the
15 packet is 350 pages and that's incredible. So I
16 certainly know that we've gone through a huge due
17 process.

18 MS. MCCRAY: One second. Can you please
19 -- Mr. Mann, can you please stop sharing your screen?

20 MR. CHEN-YOUNG: Right, so I can share.

21 MS. MCCRAY: Thank you, sir.

22 MR. CHEN-YOUNG: Okay, great. Thank you.
23 I'm going to share my screen and I'll continue.

24 Okay. Can you see my screen?

25 MR. THOMMANA: Yes.

1 MS. MCCRAY: Yes, sir.

2 MR. CHEN-YOUNG: Yes. Okay, great.

3 Thank you. So I submitted an e-mail on Sunday
4 night, you know, trying to reinforce some of the
5 issues. I, instead of going through a lot of what
6 Ben showed with respect to the paths, I think it
7 boils down to really just two use cases, and I think
8 if you read any of the opposition to this -- to this
9 closure, you'll find no -- none of that opposition
10 ever mentions the actual usage of the intersection.
11 The opposition is, well, we think there may be
12 additional traffic, which Ben, you know, very
13 articulately explained way that shouldn't be the
14 case, but none of that opposition actually talks
15 about the use of the intersection. So I'd like to
16 focus on the facts.

17 The use case of the intersection is
18 only two things. One is trucks traveling from --
19 trucks and cars traveling south on River Road, east,
20 southeast, trying to turn right. Notice that they
21 have already passed Springfield intersection, so by
22 the time they've passed Springfield intersection,
23 there's no more decision as to, should I cut to the
24 Springfield neighborhood? It's, should I turn right
25 at this old intersection, which is dangerous,

1 partially blind, cars and trucks are still traveling
2 most of the times greater than 35 miles per hour?
3 And how do I know? I happen to live exactly at that
4 intersection, I've lived there for 25 years, I've
5 seen accidents, and I'm going to show you some
6 pictures of them.

7 But the point is, when you -- when
8 residents have said in opposition that we're shocked
9 by, we don't want you to block this intersection, we
10 don't care if drivers only have to travel 10 seconds
11 further, we want to keep your intersection out, so
12 we want to continue to expose you to dangers. We
13 want to expose the accidents; we want to expose the
14 speeding trucks and cars going through. By the way,
15 because I live at the end of that road, and my house
16 is on the left-hand side of Westbard Avenue trucks
17 -- large trucks also tear down the cable line and
18 the telephone lines because the poles are on the
19 other side of the street.

20 But again, this is what I've lived
21 through for 25 years and I was part of the whole
22 process of the Westbard Sector Plan and supporting
23 lower density and our streets. So what we ask is
24 this new intersection only 10 seconds further on
25 east -- east on River Road built with a curved

1 turning lane at (inaudible) stoplight, which handles
2 better traffic control. And then once the trucks
3 and cars turn right at the new intersection, only 10
4 seconds away, it's two lanes going up Westbard, it's
5 not going through the Old Westbard Avenue
6 intersection in the first intersection --

7 MS. MCCRAY: Mr. Thommana, that's time.

8 MR. THOMMANA: Yeah, we are -- we're at
9 time. So if you could wrap up.

10 MR. CHEN-YOUNG: Okay. I'll wrap up.

11 The second use case is wide turn left. If you turn
12 left, you're turning left on the old Westbard block
13 to only have a no left turn. You can only go three
14 more seconds and you get to the new intersection.
15 And the last point, which is probably the most
16 critical point, is anyone who wants to say they
17 don't need a study or they want a study, these are
18 pictures, again, because I live at the intersection,
19 of the dangers of that intersection. And if you do
20 not close this, there's muscle memory of trucks and
21 cars who will continue to try and turn on our lane,
22 instead of going 10 seconds further. And these are
23 the things that we experience as residents. So we
24 will be disparately impacted, and we appreciate
25 everyone's decision making and realizing 10 seconds

1 is not too much to ask. We're not second-class
2 citizens, we should be protected. Thank you.

3 MR. THOMMANA: Thank you.

4 MS. MCCRAY: Next up to speak is Ray
5 Hylton, Sr.

6 MR. HYLTON: I'm a new owner, and we have
7 not lived for a long time on the Westbard Avenue.
8 In fact, we've only been in that community for about
9 three months. But even in the three months that
10 we've been here, it's been clear to me that the --
11 the need to have an environment where our children
12 can run around and play safely on the streets is
13 critical. We have a fair amount of elderly families
14 who crisscross that street, who walk for exercise,
15 and my wife and I have tried to imagine what it will
16 look like when -- if -- if we were to permanently
17 keep those -- keep the Westbard Avenue open from
18 River Road.

19 The stories that I've heard already
20 gives us caution, it gives us pause. I'm trying to
21 picture cars speeding through and maybe not
22 recognizing children or older adults crossing the
23 street. I -- I just anticipate that we're going to
24 see -- we're going to see some serious accidents.
25 So yes, I'm new to the conversation, new to the

1 area, but everything that I know about safety and
2 how -- how pedestrians and people living in a
3 community need to be protected. It says to me that
4 by opening that up, it's going to create tremendous
5 jeopardy. So that's the angle from which we're
6 coming from and would encourage -- would encourage
7 all of us to consider closing that one end of
8 Westbard Avenue. Thank you.

9 MR. THOMMANA: Thank you.

10 MS. MCCRAY: Next, we have Phyllis
11 Edelman.

12 MS. EDELMAN: Okay. Sorry. Yeah. Good
13 afternoon. My name is Phyllis Edelman, and from
14 2014 to 2017, I was president of the Springfield
15 Civic Association when the Westbard Sector Plan was
16 discussed and approved by the County Council. The
17 intent of closing this block of Westbard Avenue at
18 River Road was to force traffic to the most direct
19 route to the new development, what has now been
20 signed as Brookside Drive and River Road and to
21 prevent cut through traffic, particularly trucks
22 with two or more axles from using this block as a
23 pass through at all hours of the day and night.

24 Signs and speed humps, even in 2016,
25 were not enough of a deterrent. With continuing

1 construction at Westbard Square to -- until --
2 expected until 2026, which will increase the
3 commercial space and add up to 300 residential
4 units, so there are more trucks that will truck --
5 traffic will increase, and it will not only be
6 disruptive for this block, which it has been, prior
7 to its closure, but it will also be dangerous and
8 not in compliance with Vision Zero for the families
9 who live there. That was the intent then and I hope
10 that the powers that be understand that's the intent
11 now. Thank you.

12 MR. THOMMANA: Thank you.

13 MS. MCCRAY: Thank you, ma'am.

14 I have Kiska Williams.

15 Kiska Williams?

16 All right.

17 MR. HYLTON: She's muted. No, she's
18 here, but she's muted.

19 Kiska, you're muted.

20 MS. MCCRAY: Kiska --

21 MS. WILLIAMS: There I am.

22 MR. HYLTON: There you go.

23 MS. MCCRAY: Thank you.

24 MS. WILLIAMS: Sorry, everyone. Hello.

25 My name is Kiska Williams, I heartily support

1 everything that Ben said, much more articulately
2 than I could. So I'm going to kind of skip through
3 my points. First of all, closing Westbard at River
4 Road Wood align with the Vision Zero safety strategy.

5 I'm a 25-year resident, right on the
6 corner of Westbard and Ridgefield and observed cut
7 through traffic for years, especially during rush
8 hour. And this is the same time that our school
9 children are walking to school or to their bus
10 stops. We have three speed bumps, restricted hours,
11 and a permanent no left turn island that are
12 completely ignored then and will be again.

13 When the new River Road exit opens,
14 there will be a wide safe passageway for all types
15 of vehicles. It is a mere, Michael said 10 seconds,
16 he drives faster than I do, it took me 20 seconds
17 from a full stop at the old Westbard exit to get to
18 the new alignment. I acknowledge the neighbor's
19 fears that closing Westbard could divert traffic
20 into Springfield, especially along Ridgefield, but
21 as demonstrated before, there is absolutely no
22 reasonable shortcut from River Road via Ridgefield
23 into the neighborhood. So thank you one and all for
24 all of the work that you have done. Thank you.

25 MR. THOMMANA: Thank you.

1 MS. MCCRAY: Up next, Lilja -- excuse me.
2 Oh, excuse me, Jan -- Janice Lilja. My apologies.

3 MS. LILJA: Yes. I'm Jan Lilja, I'm
4 president of the Springfield Civic Association,
5 which up until today included Westbard, I've just
6 learned that there is a Westbard Civic Association
7 with a president, so that's news to us. Previously,
8 Westbard was part -- is part -- we consider Westbard
9 to be part of Springfield, and as of July, the two
10 people who testified for Westbard said that they
11 were due paying members of the Springfield Civic
12 Association.

13 I believe this petition is not
14 totally consistent with the Westbard Sector Plan
15 language. The -- the language in the Sector Plan
16 allows the neighborhood to apply for Westbard
17 closure. The neighborhood involved in the
18 discussions at that time was the Springfield Civic
19 Association, represented by Phyllis, as she stated.
20 The Springfield Civic Association and Springfield
21 were not aware of the petition that was submitted in
22 April. We were not consulted, and we did not
23 participate in it.

24 Therefore, I do not think that the
25 entire neighborhood was applied for the Westbard

1 closure. Further, the petition is supposed to be
2 submitted after the road construction is completed.
3 The road construction has not been completed; the
4 roads are not opened. It is not clear at what time
5 these roads will be opened and due time should be
6 allowed to see how they operate and are functioning
7 successfully we hope. Finally there needs to be
8 access for emergency vehicles, petitioner's previous
9 formal application asked for an impassable barrier.
10 I think that is very dangerous for the new assisted
11 living center and other residents of the
12 neighborhood, I do not agree with that, I do not
13 think it is consistent with the Sector Plan.

14 The -- there should be a study of
15 the traffic flow for the entire Springfield
16 neighbor, upon the completion of the new plans.
17 This is what was recommended by the Planning Board
18 staff; it was not reflected in the petitioner's sign
19 -- slides. There needs to be -- that study needs to
20 occur for an extended period, so -- and after the --
21 the road work has been completed, after the
22 townhouses that are going to be built --

23 MR. THOMMANA: I think we're at time, if
24 you could wrap up, please.

25 MS. LILJA: So I ask that this study be

1 conducted, I have articulated reasons for that in my
2 written testimony, and I recommend right now that
3 the Department of Transportation reject or defer
4 this petition until the roads construction is
5 completed, they are functioning, we can recognize
6 how traffic flows across the entire Springfield
7 neighborhood and the study includes traffic safety
8 modifications for all of Springfield, including
9 Westbard and the streets which include Cromwell,
10 where the elementary school is and the streets that
11 provide access to the neighborhood churches,
12 including Ridgefield. Thank you for the opportunity
13 to comment.

14 MR. THOMMANA: Thank you.

15 MS. MCCRAY: Up next, we have Ms. Kathryn
16 Spindel.

17 MS. SPINDEL: Okay, great. Hello. My
18 question concerns the no left turn for vehicles on
19 the corner of Massachusetts Avenue and Little Falls
20 Parkway, during certain hours, during rush hour
21 hours, so in the morning and in the afternoon and
22 evening. The cars now completely ignore the no left
23 turn when they're on Mass Ave and want to turn onto
24 Little falls because they are trying to access River
25 Road and they can no longer do it on Westbard.

1 So I am wondering how that will
2 proceed, what that will look like, if Westbard is
3 permanently shut to River Road. There is no -- cars
4 just line up and block Massachusetts Avenue and
5 sometimes a cop is there giving them tickets and
6 sometimes -- mostly not. So what will happen at
7 that traffic corner? Thank you very much.

8 MR. THOMMANA: Thank you.

9 MS. MCCRAY: Thank you, ma'am.

10 Up next, we have Jon Shartar. And I
11 apologize if I'm mispronouncing anyone's name.

12 MR. SHARTAR: No, you're fine. And I
13 will share my -- if I can -- here we go. My screen?

14 MS. MCCRAY: Yes, sir.

15 MR. THOMMANA: Yes.

16 MR. SHARTAR: There, okay. I'm speaking
17 to you as the traffic and safety officer of the
18 Springfield Civic Association, not as a resident.
19 We are a neighborhood of 650 homes, the 24 homes on
20 this block are a part of our neighborhood, but there
21 are over 600 more. There are approximately 800
22 children who live in our neighborhood and I'm
23 speaking on behalf of them. Prior to construction,
24 a traffic count was conducted on Ridgefield Road,
25 there were less than 1,000 cars per day. In 2022,

1 beginning with the closure of Westbard Avenue, that
2 number grew to 5,400 cars per day, that's more than
3 five times as many. During rush hour, that was one
4 car every seven seconds. How long does it take for
5 a child to cross the road?

6 Similar problems exist on other
7 roads. There are 156 homes on Cromwell Drive,
8 Springfield Drive, and Ogden Road, those are the
9 roads that are highlighted in red on my screen.
10 After the road -- after the closure of Westbard
11 Avenue, traffic on those those roads tripled, 3,500
12 cars per day, up to 400 cars per hour. This is not
13 acceptable. This is not safe.

14 In the application for closure, it's
15 asserted that the Westbard Sector Plan endorses the
16 permanent closure of this road, but that's not
17 entirely accurate and leaves out a key detail. The
18 goal of realigning Westbard Avenue on Page 8 of the
19 Sector Plan was to realign Westbard Road to, I'll
20 skip to the end, to protect single family
21 neighborhoods, not one street, but neighborhoods.
22 It was to be considered, but it had to be safe, it
23 had to be feasible.

24 It's the opinion of the association
25 that the closure of Westbard Avenue is unjustified

1 at this time. It's not that it shouldn't be closed,
2 it shouldn't be closed without further study,
3 without evidence that the road realignment has been
4 successful, as Mr. Mann asserts. I hope that what
5 he says does play out and also not until the 34 town
6 homes that are scheduled to begin construction in
7 just a matter of months are completed. We learned
8 last year how fragile our road network was --

9 MR. THOMMANA: We are at time. If you
10 could wrap up, please.

11 MR. SHARTAR: Yep. One sentence. It
12 would be unsafe and irresponsible to the entire 650
13 house neighborhood to close this block at this point
14 in time. Thank you.

15 MR. THOMMANA: Thank you.

16 MS. MCCRAY: Up next, we have James, and
17 I apologize, I have James T.

18 MR. MANN: James Tam or James Tichenor?

19 MS. MCCRAY: Tichenor. I don't see him
20 in the -- in our participants list anymore. We'll
21 move forward with Edward.

22 I see someone under Ted Hermes; is
23 that correct?

24 MR. HERMES: Yeah. Sorry. That's the
25 thing, I -- I didn't hear you say Hermes, so I

1 apologize. Yeah.

2 MS. MCCRAY: No worries.

3 MR. HERMES: So full name is Edward
4 Hermes. Yeah. And thank you for your time. And
5 I'm participating in this today to request that
6 Montgomery County reject the application for this
7 premature closure of the right of way at Westbard.
8 I believe the application was submitted prematurely
9 and is not consistent with the Sector Plan,
10 therefore and does not have the support of the
11 community. It was -- I view, would've been
12 premature to request the closure in 2016, and it's
13 still premature.

14 For a little background on myself,
15 I'm a resident of Springfield Community, I'm a past
16 board member of the Springfield Civic Association
17 and was the chair -- the traffic chair of the Civic
18 Association at the time this was all being studied.
19 I was actively involved in working with the planners
20 and the community on the Westbard Road realignment
21 and recall the discussion on the closure of River
22 Road -- Westbard at River Road.

23 It was recommended in the original
24 plan and always understood by the community that
25 this closure would happen after construction and all

1 applications submitted would happen at the same
2 time, sometime after the realignment, closure after
3 construction was intentional and was part of the
4 plan from the beginning, I believe you're going hear
5 from others in our community that strongly oppose
6 the closure because we've all learned that the road
7 closures -- any road closures affect the entire
8 community. Closing of Westbard at River Road has
9 and will continue to send cut through traffic to
10 exit on Ogden and Springfield, and through the
11 entire Springfield community if done prematurely.

12 Given all the construction and road closures that --

13 MR. THOMMANA: We're at time, if you
14 could wrap up.

15 MR. HERMES: -- and the detours that
16 we've been through, I believe that the focus should
17 be on opening the new roads and understanding the
18 new traffic before we consider any closures in the
19 community. I would suggest that the timing of the
20 application was ill-conceived and does not have the
21 support of the planners in the community. And I
22 therefore respectfully request that Montgomery
23 County reject this application and require that a
24 new application be submitted after the construction
25 is completed.

1 MR. THOMMANA: Thank you.

2 MR. HERMES: You're welcome.

3 MS. MCCRAY: Up next, we have Patricia
4 Spangler. Patricia -- Patricia?

5 MS. SPANGLER: Yes. Thank you. Good
6 afternoon. Thanks for this opportunity to speak.
7 My name is Pat Spangler, I'm a homeowner in the 5500
8 block of Ridgefield Road in Spring -- in the
9 Springfield neighborhood. So this has directly
10 impacted myself and my family. I'm here to speak
11 against the permanent closure of Westbard Avenue,
12 this is because I and my Ridgefield Road neighbors
13 were subject to the closure of Westbard during an
14 earlier phase of the realignment and the impact was
15 extreme.

16 There was a tremendous increase in
17 traffic and noise and hazard due to the number of
18 vehicles and speeding drivers. On many occasions,
19 we couldn't even back out of our driveway. And if
20 Westbard Avenue were to be closed permanently, there
21 would likely be a similar impact, which would be an
22 extreme and really undue burden on the residents of
23 Ridgefield Road. But because it can't really at
24 present be known how the final realignment will
25 affect Westbard and Ridgefield traffic, I

1 respectfully suggest that any plan to close Westbard
2 Avenue be delayed until after the completion of the
3 realignment and further studies are completed, so
4 that a true reading of the impact that the
5 realignment can be assessed.

6 MR. THOMMANA: Thank you.

7 MS. MCCRAY: Up next, I have George
8 Jovanovic. Not seeing him in the chat. I will move
9 to the next person --

10 MR. JOVANOVIC: Yes, I'm here. I'm here.
11 I'm sorry. I'm here.

12 MS. MCCRAY: Okay.

13 MR. JOVANOVIC: Madam Chairperson, my
14 wife and I have been living on Westbard Avenue near
15 the intersection with River Road for 25 years, which
16 is long enough to witness many traffic-related
17 accidents and many close calls. This intersection
18 presented a clear danger to public safety of the
19 residents, which include children and elderly adults
20 as well. We have to recognize that River Road is
21 actually a four lane divided highway, where speed
22 limit is often ignored. And from that traffic
23 pattern, vehicles, including trucks, who are making
24 quick turns to residential Westbard Avenue
25 presenting clear danger to public safety.

1 Now we already heard that in 2016,
2 Montgomery County Council approved Westbard Sector
3 Plan, that includes closure of the intersection at
4 Westbard Avenue, and we simply want implementation
5 of that Sector Plan. So our petition of AB786
6 aligns with -- also with the county's Vision Zero
7 policy to eliminate traffic death and serious
8 injuries and to eliminate noise and air pollution in
9 the residential street. So it is now crucial that
10 Montgomery County Council live up to its earlier
11 decision, also for the sake of trust in public
12 institutions.

13 Now, I would also like to add here
14 that against what some members of the Springfield
15 Civic Association just mentioned, I would like to
16 reiterate that in 2016, Springfield Civic
17 Association agreed to the closure of the
18 intersection. Now, decision on reopening or closure
19 of the intersection should be based on its own merit
20 or relevant facts, not on plain out voting by a
21 larger group of the Springfield residents. That is
22 not that -- they're not that close and not often
23 directly affected by the intersection.

24 MR. THOMMANA: We're at time. If you
25 could wrap up.

1 MR. JOVANOVIC: Yeah. Let me -- let me
2 wrap up. Our rationale foreclosure of the
3 intersection for the cut through traffic is based on
4 the issue of public safety, while the opponents wish
5 to keep the intersection open with no valid, proven
6 arguments, making a reopening of the intersection a
7 matter of possible fear or convenience to them.
8 However, even that point is questionable, there is a
9 direct access, as we already heard, to River Road
10 via Springfield Road --

11 MR. THOMMANA: Thank you. We do -- we do
12 need to wrap up. It's -- it's --

13 MR. JOVANOVIC: Okay. Thank you.

14 MR. THOMMANA: Next, please.

15 MS. MCCRAY: Thank you, sir.

16 Next, we have Cynthia Green.

17 I'm not seeing Ms. Green in the chat.

18 Next person, we have Robert G.

19 MR. GIROUARD: Yep. Robert Girouard.

20 MS. MCCRAY: Girouard. Thank you.

21 MR. GIROUARD: I'll try to be very brief;
22 I've written this out so I can be brief. Try and
23 keep it to a minute, I've edited as other people
24 have made their comments. My major comment is the
25 closing -- our neighbors on Ridgefield Road and

1 elsewhere in the neighborhood, who feel that closing
2 Westbard at River will adversely impact them, fail
3 to understand that traffic was forced to use their
4 streets and those other green colored routes on
5 John's map, only for the months that both Westbard
6 at River Road and the old Ridgefield and River Road
7 were closed. That was the only way to get to the
8 shopping center, was through our neighbor's
9 neighborhood.

10 Once the road is finished, there'll
11 be no necessity to cut through 00 through the
12 neighborhood. As Ben showed on his maps, the
13 logical route for somebody coming up Westbard will
14 be to go straight down the River and continue out.
15 In the morning to come down River to what will now
16 be called Brookside, I believe, take a left and --
17 and merge with Westbard Avenue and continue.

18 So closing Westbard Ave will not
19 inconvenience anyone. Other than the scofflaws, who
20 five times a week, ignoring the signs forbidding
21 turns onto Westbard from River in the morning and
22 the signs forbidding left turns from Westbard onto
23 River in the evenings, they'll be the ones, they
24 will have to drive 120 meters further, 10 seconds to
25 the new intersection, which is being built now,

1 right outside my window. And we have lived here,
2 incidentally, on Westbard Avenue for roughly 30
3 years. That's it. Thank you very much for the
4 opportunity to comment.

5 MR. THOMMANA: Thank you.

6 MS. MCCRAY: The new list has been
7 updated in the chat.

8 Next is Susan Zeng. I hope I'm
9 pronouncing that correctly. Susan?

10 MS. ZENG: Sorry. Hi, can you hear me
11 now?

12 MS. MCCRAY: Yes, ma'am.

13 MS. ZENG: Hi, we actually lived on this
14 block, for nearly 30 years. So before -- I want to
15 see actually people after the newly aligned road,
16 the -- there's only at speed of 20 miles per hour,
17 only need four second more if people go through the
18 newly aligned road than through cuts through
19 Westbard. So that's at 20 miles, only four seconds.
20 Okay.

21 And I think the Springfield
22 neighborhood is basically block between Springfield
23 Drive and then -- then Westbard. There are about 40
24 household they are concerned that the traffic used
25 to cut through Westbard. Now, if we close, they can

1 cut through theirs, and I think that's a -- I think
2 that's -- that's not actually true, because if based
3 on rational human behavior and also the easier, all
4 this new road and people will automatically go down
5 over there. And besides are -- we are really
6 concerned, the big trucks of cutting through over us
7 and in addition to the trucks and the small cars.
8 But even right now, has anyone experience the
9 cutting through trucks, through the River Road, go
10 down through Ridgefield, go down to that shopping
11 center? No. So they're just -- those trucks
12 between there, and the trucks --

13 MR. THOMMANA: We -- we're at time. If
14 we could wrap up, please.

15 MS. ZENG: Okay. And a really quick
16 point also, I want to point out to the president,
17 and he has -- she has opposition in his written
18 statement. I think one fact is wrong to -- just
19 quick two points. First of all, he said, the road
20 now is narrower, and they have less platform for
21 pedestrians. Everybody can go there to see that's
22 not true. Second, and he said -- and there's only
23 even close the exit outside, there's only one access
24 to the senior center. So the emergency for the
25 senior's help is -- you know, could be limited,

1 which is not true. And then because you have --

2 MR. THOMMANA: We do need to wrap up.

3 It's -- it's well beyond your time. Thank you. If

4 -- you can submit a written --

5 MS. ZENG: Thank you very much --

6 MR. THOMMANA: Written testimony, too.

7 MS. ZENG: Okay. Thanks.

8 MS. MCCRAY: Thank you.

9 MR. THOMMANA: Tiara, I know we do have a
10 hard stop at 3:30, I do want to mention that. So
11 for the people that have registered to speak and
12 have not had the opportunity to speak, we will have
13 a follow-up meeting. And Tiara, can -- you can talk
14 about those once we've reached the end.

15 MS. MCCRAY: Okay. Up next, we have Carl
16 Becker.

17 Carl Becker, I see you in the -- in
18 the participants list.

19 MR. BECKER: Hi, thank you for the
20 opportunity. I just want to say that I think this
21 is a -- a very positive thing for the homeowners on
22 that section of road who have endured this cut
23 through traffic for sounds like up to 30 years. And
24 from what I'm hearing, it makes a lot of sense to
25 close off that road and -- and make it a cul-de-sac.

1 I -- I did hear the concerns of some of the people
2 mentioning cut through traffic onto Ridgefield Road
3 and other parts of the neighborhood, but I don't
4 believe that was an issue prior to Westbard being
5 closed, more when the two access points were closed
6 during construction, and I -- I think we'll return
7 back to a far superior roadway design here in the
8 next couple of months. So looking forward to seeing
9 that closed off, hopefully. Thank you for the
10 opportunity.

11 MR. THOMMANA: Thank you.

12 MS. MCCRAY: I know the screen says
13 Phyllis Edelman up next, she's already spoken.

14 Richard Hoyer. Richard Hoyer, no
15 longer in our participants list that I can see.

16 Lee Janger is up next.

17 MR. JANGER: Thank you. You hear me?

18 MS. MCCRAY: Yes, sir.

19 MR. THOMMANA: Yes.

20 MR. JANGER: I'm Lee Janger, a 20-year
21 resident on Ridgefield Road, and I'm appearing in
22 opposition to the Westbard residents' petition. I
23 also appear today on behalf of over 80 households
24 throughout the Springfield neighborhood representing
25 over 200 residents who strongly object to the

1 Westbard petition and signed an opposing petition
2 that is now part of the public record. Those
3 signing in opposition live along Ridgefield, Albia,
4 Newington Kirkwood, Jordan, Ogden, and Springfield
5 roads. All of our -- all of these streets have seen
6 excessive traffic since the realignment project
7 started.

8 Our opposition is simple, closing
9 Westbard Avenue will simply transfer the danger
10 Westbard lobbies against to the detriment of
11 Ridgefield Road and other residents. Every fear
12 that Westbard residents stated here today, every one
13 of them, has existed on all of these roads,
14 especially Ridgefield Road and none of their
15 evidence has cited those dangers or that it will be
16 alleviated by the closure of Westbard.

17 So closing Westbard, transferring
18 that to Westbard is against the public's interest.
19 The Council should not grant relief to one street at
20 the expense of others. Entire Springfield
21 neighborhood deserves relief from the dangerous cut
22 through traffic. Closing Westbard Avenue will
23 simply make those residents cut through traffic up
24 Ridgefield Road, avoiding the lights to River Road.
25 Ridgefield Road, and the adjacent streets are home

1 to numerous school aged children, three school bus
2 stops, and narrow winding streets, closing off
3 access will not end that cut through traffic, just
4 pushing it more onto -- into those -- where those
5 children live and walk.

6 MR. THOMMANA: We are at time. If you
7 could wrap up, please.

8 MR. JANGER: Right. Westbard residents
9 are seeking relief, again, at the expense of their
10 neighbors to aid their 24 homes instead of the
11 others. MCDOT's stated position on their website is
12 to provide equitable traffic relief to everyone.
13 This is not equitable, it is not safe, and it is
14 unfair. We ask that you look to all to -- for
15 traffic mitigation efforts to all of the
16 neighborhood at the same time.

17 MR. THOMMANA: Thank you.

18 MS. MCCRAY: I have up next Hassan.

19 MR. THOMMANA: We have a few more minutes
20 so we can go on for a little bit longer.

21 MS. MCCRAY: I have Hassan up next.
22 Hassan Javadi, I hope I'm pronouncing that correctly.

23 MR. JAVADI: I can talk about my -- my --

24 MS. MCCRAY: Okay. Yes. Sorry --

25 MR. JAVADI: My -- my wife is not home,

1 but she has given her time to me, but I will have my
2 own time. Shall I -- can I show on --

3 MR. THOMMANA: Yes, you can proceed.

4 MR. JAVADI: I don't know, my picture
5 doesn't come somehow. It doesn't matter. I -- I am
6 here. I am Hassan Javadi; I have been living in
7 this in -- in Westbard Avenue at 5516 for 32 years.
8 And I have really noticed quite a -- quite a number
9 of accidents and pollution here. And the -- the
10 thing is that from River -- from River Road, it
11 quite -- when it is open, they are using it as a
12 kind of access road very easily. And you remember
13 that last time? They were -- I mean, it was from
14 7:00 to 9:00, it was for -- turn into Westbard was
15 not allowed and very often policemen were there and
16 there were quite a number of accidents.

17 And now the development, new
18 development, it'll increase the whole situation and
19 the accidents, as well as possibility of danger,
20 traffic accidents. I understand the apprehension of
21 the -- our neighbors in the Ridgefield Road, but it
22 is not really -- it is not really something
23 substantial. I don't think it would inconvenience
24 them all that much. The thing that they were --
25 they are mostly afraid of, that it'll become -- I

1 mean, their neighborhood too -- too many accidents
2 there, but it -- it was when, as one of the
3 neighbors, it was because the two sides were closed,
4 and the new road was not open.

5 MR. THOMMANA: We're -- we're at time.
6 So if you could wrap up, please.

7 MR. JAVADI: Yeah, I am for the closure
8 of the neighborhood. I mean, closure of the
9 Westbard from there.

10 MR. THOMMANA: Thank you.

11 MR. JAVADI: Okay.

12 MS. MCCRAY: My apologies. I was on
13 mute. I have up uploaded the list. I realize I may
14 have copied someone who had already had time, but
15 Philip it now is your time, sir.

16 MR. PRADIER: Good afternoon. I'm
17 Phillip Pradier, president of the board of directors
18 at Kenwood Place Condominium, 5301 Westbard Circle.
19 I submitted a written statement, but I will be brief
20 with a summary of the points raised in that written
21 statement.

22 Representing our association and all
23 our unit owners, we adamantly oppose the closure.
24 Please deny the request. Our 174 units, six being
25 small business commercial units, account for a total

1 population of about 400. Without a doubt, the
2 development will grow the population by more than
3 750. While public safety and accessibility are our
4 top concerns, we feel that emergency, medical, and
5 first responders must have unimpeded access to
6 answer any potential threats. New senior housing
7 may increase the need for these emergency access and
8 services. Our unit owners must have the same access
9 available as when they initially purchased their
10 homes and so do our small business unit owners. We
11 appreciate the time that you've given us to hear our
12 concerns. Thank you.

13 MR. THOMMANA: Thank you.

14 MS. MCCRAY: Have Catherine Peterson next.
15 Catherine?

16 Unless under another name, I do not
17 have Ms. Peterson in the chat.

18 Navi is up next. Navi?

19 Not seeing that name in the chat
20 either. Please let me -- one second and check the
21 last name. No, sir. That name's not in there
22 either.

23 We do have Carly Tu with their hand
24 raised and I believe a request to make a comment.

25 MS. TU: Hi, can you hear me?

1 MR. THOMMANA: Yes.

2 MS. TU: Great. Thank you. For the
3 opportunity. One thing that hasn't been mentioned,
4 and I'd like to bring up is that there is an effort
5 by the State Highway Transportation Group to do a
6 safety study of -- of River Road. And it includes
7 these two intersections and its boundaries. So I
8 think that this feels a little premature and I'd
9 love to see a collaboration of our county and our
10 state departments working on making this place safer.

11 I will speak on behalf of cyclists,
12 closing this intersection would make it safer.
13 Uncontrolled intersections are more dangerous. The
14 bike lanes on River Road headed towards the Capital
15 Crescent Trail is a downhill, which you can pick up
16 some speed and creates just more danger for cyclists
17 in that area. And the less ins and outs onto the
18 road does support Vision Zero from a cyclist
19 perspective. Thank you.

20 MR. THOMMANA: Thank you.

21 MS. MCCRAY: Seeing no additional
22 requests in the chat.

23 I see a hand raise, it's at your
24 discretion, Mr. Thommana.

25 MR. THOMMANA: Yes. We -- we can take

1 that.

2 MS. GROSS: Thank you. I'm just trying
3 to speak on behalf of my husband, Ben Kayden, he --
4 his name wasn't called, but he did provide written
5 testimony. So I'll start; I'll just read it very
6 quickly.

7 Thank you. My name is Benjamin
8 Kayden, I live at 5511 Westbard Avenue on the 5500
9 block of Westbard. I live here with my wife and my
10 four-year-old son, and we are expecting our second
11 in a few weeks. We moved to our house in 2 -- in
12 mid-2022, we did so with the understanding and with
13 the trust that the county would live up to its
14 promise to consider the needs of the families on
15 this block and close the Westbard River entrance, in
16 order to protect the safety of our kids.

17 I'm truly worried about the safety
18 of my kids walking along our block. If the entrance
19 were to open, it would become an unnecessary,
20 illegal driveway with cars and trucks racing through
21 to get to the new shop -- shopping center. And in
22 fact, the entrance isn't even needed. The newly
23 aligned Westbard Avenue was constructed specifically
24 to -- to address traffic flow around this area. Why
25 unnecessarily burden and jeopardize the safety of

1 our families? Thank you.

2 MR. THOMMANA: Thank you. Have you
3 reached the end of all the registered speakers?

4 MS. MCCRAY: I have.

5 MR. THOMMANA: Okay.

6 MS. MCCRAY: I have one hand raised. I'm
7 not sure if that's --

8 MR. THOMMANA: Is that somebody that has
9 already spoken or is this a --

10 MS. MCCRAY: Yes, sir.

11 MR. THOMMANA: Yeah. So at this time, we
12 -- if we've already given them an opportunity, then
13 we -- we'd keep it to that. So with that, I'll --
14 I'll -- I'll now turn it back over to you, Tiara.

15 MS. MCCRAY: Right. As previously
16 mentioned, comments, the -- the record will be left
17 open until October 3rd. You're welcome to submit
18 comments to me via e-mail at Tiara,
19 T-I-A-R-A.mccray, M-C-C-R-A-Y@montgomerycountymd.gov
20 or via mail at 100 Edison Park Drive, 4th Floor,
21 Gaithersburg, Maryland.

22 If you have any additional
23 questions, you may also give me a call. I believe
24 everyone here has my contact number, if you've
25 received an invitation to this hearing.

1 MR. THOMMANA: All right with that, I
2 think we can go ahead and close this hearing. There
3 is no need for a second meeting at this time because
4 everybody that registered to speak did get an
5 opportunity to speak. We will consider all
6 comments, both written and oral, as we move forward
7 with this process. Thank you, everybody.

8 MS. MCCRAY: Thank you, sir.

9 (Off the record at 3:41 p.m.)

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2 I, Manita Joseph, the officer
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16 

17

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19 _____
20 Manita Joseph, Notary Public, in and for the

21 State of Georgia

22 September 29, 2023

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Krystin Spolar

Krystin Spolar
Planet Depos, LLC
September 29, 2023

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