



**July 27, 2023**

**Ms. Tiara McCray**

Montgomery County Department of Transportation  
100 Edison Park Drive, 4<sup>th</sup> Floor  
Gaithersburg, Maryland 20878

RE: Roadway Closure Request No. AB-786  
Permanent Closure of Westbard Avenue at River Road  
*2016 Westbard Sector Plan*

**Dear Ms. McCray:**

At the Montgomery County Planning Board's regularly scheduled meeting on July 27, 2023, the Board reviewed Roadway Closure Request No. AB-786, for permanent closure of Westbard Avenue at River Road in the Westbard area of Bethesda. After a briefing by Planning staff, the Planning Board voted 5-0 in favor of transmitting comments to the Montgomery County Department of Transportation (MCDOT) in support the closure of Westbard Avenue at River Road, subject to the MCDOT's analysis and design, after the realignment of Westbard Avenue and Ridgefield Road is complete. Those present at the meeting, in addition to me, were Vice Chair Mitra Pedoeem and Commissioners Shawn Bartley, James Hedrick, and Josh Linden.

In addition to the comments included in the staff report, the Board voted to include additional language in support of installing an interim closure of Westbard Avenue at River Road, when realignment of Westbard Avenue and Ridgefield Road is completed for the duration of MCDOT's analysis and study of a permanent closure, provided that the interim closure is approved by MCDOT and Montgomery County Department of Permitting Services Fire and Rescue, and adequate emergency access to the 5500 Block of Westbard Avenue can be maintained.

The Planning Board heard testimony from the Petitioner. An additional comment letter was submitted by the Springfield Civic Association after the deadline to be included in the Board's packet. Staff summarized the letter in the presentation. All submitted written testimony is included with the enclosures of this letter. Please consider this letter and its enclosures as the Planning Board's testimony for the official record.

Ms. Tiara McCray  
July 27, 2023  
Page Two

Thank you for the opportunity to provide comments and a recommendation on this petition. Please contact me or Katie Mencarini with the Downcounty Planning Division of the Planning Department, at 301-495-4549 or [Katherine.mencarini@montgomeryplanning.org](mailto:Katherine.mencarini@montgomeryplanning.org), if you have any questions regarding this letter.

Sincerely,



**Artie L. Harris**  
Chair

Enclosures

cc: Tanya Stern, Montgomery Planning  
Robert Kronenberg, Montgomery Planning  
Elza Hisel-McCoy, Montgomery Planning  
Stephanie Dickel, Montgomery Planning  
Katie Mencarini, Montgomery Planning  
Delisa Coleman, M-NCPPC  
Chris Conklin, MCDOT  
Rebecca Torma, MCDOT  
Rabbiah Sabbakhan, DPS  
Jon Monger, DEP  
Dr. Tamra Williams, DHHS

## PERMANENT CLOSURE OF WESTBARD AVENUE AT RIVER ROAD AB-786



### Description

Staff requests permission to transmit comments to MCDOT pertaining to AB-786, filed by the 5500 Westbard Avenue Block Civic Association, which seeks permanent closure of the 5500 Block of Westbard Avenue at River Road.

AB-786

Completed: July 7, 2023

MCPB

Item No.

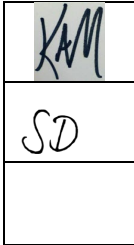
July 27, 2023

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

## Planning Staff



Katie Mencarini, Planner III, Downcounty, [Katherine.Mencarini@montgomeryplanning.org](mailto:Katherine.Mencarini@montgomeryplanning.org), 301.495.4549

Stephanie Dickel, Supervisor, Downcounty, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301.495.4527

Elza Hisel-McCoy, Chief, Downcounty, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

### Summary:

- Staff requests permission to transmit comments to MCDOT in advance of their Public Hearing scheduled for August 29, 2023.
- The Applicant, residents of the 5500 block of Westbard Avenue, requests permanent closure of Westbard Avenue where it intersects River Road.
- The County Council approves abandonments and closures of improved public rights-of-way. MCDOT is the lead executive agency for this application and must conduct a public hearing, for which MCDOT will provide public notice. Before the MCDOT public hearing, the County Executive solicits comments from the Planning Board and other agencies.
- As discussed below, the *2016 Westbard Sector Plan* includes specific language endorsing the closure.
- Staff recommends further study of traffic operations at Westbard Avenue at River Road once the alignment of Westbard Avenue is complete to identify a preferred alternative that best meets the recommendations of the Sector Plan and of *Thrive Montgomery 2050*, the County's General Plan, approved and adopted October 25, 2022.
- Staff has not received any public correspondence on the Right-of-Way Petition as of the date of this staff report.

#### LOCATION/ADDRESS

5500 block of Westbard Avenue

#### MASTER PLAN

2016 *Westbard Sector Plan*

#### APPLICANT

5500 Westbard Avenue Block Civic Association

#### ACCEPTANCE DATE

June 20, 2023

#### REVIEW BASIS

Chapter 49-62

## TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY .....	3
SECTION 2: RECOMMENDATIONS AND CONDITIONS .....	5
CLOSURE OF PUBLIC RIGHT-OF-WAY .....	5
SECTION 3: SITE DESCRIPTION .....	6
SECTION 4: BACKGROUND AND PROPOSAL .....	7
BACKGROUND AND PRIOR APPROVALS .....	7
PETITION REQUEST .....	10
SECTION 5: FINDINGS AND ANALYSIS .....	11
SECTION 6: CITIZEN CORRESPONDENCE AND PUBLIC NOTICING .....	13
SECTION 7: CONCLUSION .....	13
ATTACHMENTS .....	13

## SECTION 1: EXECUTIVE SUMMARY

Petitions for closure of rights-of-way to public use are subject to approval by the County Council, pursuant to Section 49-62 of the County Code. The County Executive, or Executive's designee, typically and in this case the Montgomery County Department of Transportation (MCDOT), must hold a public hearing on the Application. MCDOT provides public notice for this hearing. Prior to conducting the public hearing, the County Executive solicits comments from several government agencies, including the Montgomery County Planning Board.

Per Section 49-62, an improved public right-of-way may be closed or abandoned if the County Council by resolution finds that:

- (1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
- (2) the abandonment or closing is necessary to protect the health, safety, and welfare of the residents near the right-of-way to be abandoned or closed.

The Applicant for the Subject Petition, the 5500 Westbard Avenue Block Civic Association, seeks permanent closure of the northwestern terminus of Westbard Avenue at River Road, in the Westbard area of Bethesda.

The 2016 *Westbard Sector Plan* specifically endorses closure of Westbard Avenue where it intersects with River Road on the condition that access for emergency vehicles be preserved. The Sector Plan specifies that the closure should not occur until the existing Westbard Avenue/River Road intersection is realigned. The County's recently adopted General Plan, *Thrive Montgomery 2050*, has a recommendation to expand the grid of streets in downtowns, town centers, transit corridors and suburban centers of activity, such as River Road. The 2016 *Westbard Sector Plan* makes multiple recommendations to support and enhance the grid of streets and pathways within the Plan Boundary. The decision to close access to the residential portion of Westbard Avenue was made by the County Council in response to safety concerns due to heavy trucks inappropriately using this segment of the street to avoid a difficult turn onto Ridgefield Road. Once the realignment of Westbard Avenue and Ridgefield Road is completed, this connection will no longer be a convenient approach for heavy trucks.

The realignment of Westbard Avenue and Ridgefield Road has been upheld with the Planning Board's approval of Preliminary Plan 120170170 (MCPB No. 19-032) and Site Plan 820180190 (MCPB No. 19-033) in conditions of approval. The County Council approved AB-773 Abandonment – Portions of Westbard Avenue and Ridgefield Road Bethesda, 7th Election District (No. 19-1213). Construction of the roadway realignment is currently underway and is anticipated for completion in late fall of 2023.

Staff's recommendation to appropriately address fire access, safety, and other potential issues at the northwestern terminus of Westbard Avenue, is to delay closure until after the realignment of Westbard Avenue is completed for the purpose of studying potential roadway design and traffic operational

alternatives at this intersection to ensure the alternatives respond to the updated traffic patterns in the vicinity of the intersection. This upholds the Sector Plan's recommendation to sequence the closure after the realignment of Westbard Avenue and Ridgefield Road is completed.

As a point of clarification, the Subject Application is for a road closure and not an abandonment of public right-of-way. Were the County Council to approve the road closure, the roadway terminus and associated infrastructure would be designed, constructed, and maintained by MCDOT.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### CLOSURE OF PUBLIC RIGHT-OF-WAY

Staff recommends delaying closure until after the realignment of Westbard Avenue is completed to study potential roadway design and traffic operational alternatives at this intersection to ensure the alternatives respond to the updated traffic patterns in the vicinity of the intersection. Recommended stipulations pertaining to the study are as follows:

1. The study should commence no less than 6 months after the realignment of Westbard Avenue and Ridgefield Road is complete and open to all travel modes.
2. The study should evaluate the traffic conditions in response to the completion of the realignment of Westbard Avenue and Ridgefield Road that include (but is not limited to) motor vehicle volumes, travel directions, and vehicle speeds on the 5500 block of Westbard Avenue.
3. The study should identify potential design and traffic operation alternatives that address transportation safety for all modes, consistent with the recommendations of the 2016 *Westbard Sector Plan* and *Thrive Montgomery 2050*. This may include but is not limited to:
  - a. Permanent closure to motorists, except emergency vehicles while maintaining access for bicyclists, and pedestrians. This alternative should include a turnaround acceptable to Montgomery County Department of Transportation (MCDOT) and Montgomery Department of Permitting Services (MCDPS) Fire and Rescue.
  - b. Closing the median on River Road, which would prohibit left turns onto Westbard Avenue.
  - c. Installing a larger directional island that ensures right-in/right-out traffic operations from and towards River Road support the signed left turn restrictions already in place.
  - d. Closing northbound access onto River Road from Westbard Avenue altogether. This alternative should include a turnaround acceptable to MCDOT and MCDPS Fire and Rescue.
4. The study to be undertaken by the MCDOT should include coordination with Montgomery Planning, MCDPS Fire & Rescue, MCDPS Right-of-way, MCDPS Stormwater Management, and the Maryland Department of Transportation State Highway Administration (MDOT SHA). Public engagement on the final design of the intersection treatment is also recommended.



### SECTION 3: SITE DESCRIPTION

The 5500 block of Westbard Avenue is a Secondary Residential Street that runs north/south from River Road to the north to Ridgefield Road, in Bethesda (Figure 1). South of Ridgefield Road, Westbard Avenue is classified as a Town Center Boulevard, which terminates at Massachusetts Avenue.



Figure 1 – Vicinity Map

The Subject Petition seeks permanent closure of a public right-of-way (“Application”, “ROW Closure”) at the northwestern terminus of Westbard Avenue (Figure 2). This segment of Westbard Avenue is technically located outside of the 2016 *Westbard Sector Plan* boundary, but the northern end that intersects with River Road is specifically called out, and therefore subject to, the 2016 *Westbard Sector Plan* and the County’s General Plan<sup>1</sup>. This segment of Westbard Avenue is a residential roadway and is therefore subject to Chapter 49 of the County Code (Streets and Roads) as well as countywide plans such as *Thrive Montgomery 2050*, the *2018 Master Plan of Highways and Transitways*, and the *2018 Bicycle Master Plan*.



Figure 2 – Subject Public Road Closure

## SECTION 4: BACKGROUND AND PROPOSAL

### BACKGROUND AND PRIOR APPROVALS

As stated previously, this segment of Westbard Avenue is located just beyond the 2016 *Westbard Sector Plan Boundary*; however, the intersection was specifically mentioned in the Plan in conjunction with the recommendation to realign Westbard Avenue and Ridgefield Road. On pages 34-37, the Sector Plan covers the realignment (B-1), stating:

Westbard Avenue, a business district street, heading toward River Road should be reconfigured to tie directly to River Road with a right-angle intersection, instead of

<sup>1</sup> The 5500 Block of Westbard Avenue is located within the plan boundary of the 1990 *Bethesda-Chevy Chase Master Plan*, but there are no recommendations specific to this block or the intersection with River Road.

teeing into Ridgfield Road. The reconfiguration would create Westbard Avenue extended that would connect directly with River Road. Ridgfield Road would be reconfigured to tee into reconfigured Westbard Avenue extended. The block of Westbard Avenue south of River Road would tee into Ridgfield Avenue.



Figure 3 – Transportation Network Plan from the 2016 Westbard Sector Plan (page 35)

During the development of the 2016 *Westbard Sector Plan*, residents of the 5500 block of Westbard Avenue voiced concerns about trucks using their street as a way of avoiding the challenging intersection geometry at Ridgefield Road and River Road. To address these concerns, the Sector Plan included the aforementioned realignment of portions of Westbard Avenue and Ridgefield Road. The realignment would include a redesigned intersection at River Road to make it easier for trucks and through traffic to access the Westbard Shopping Center and Massachusetts Avenue. Staff worked with MCDOT, MCDPS Fire and Rescue, and Sector Plan stakeholders to reach consensus on a compromise. That compromise was recorded on page 37 of the Sector Plan, as approved by the County Council, and adopted by M-NCPPC:

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Avenue/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

The realignment and partial abandonment of Westbard Avenue and Ridgefield Road was included as conditions of the Planning Board approval of Preliminary Plan 120170170 (Condition 18 of MCPB No. 19-032) and Site Plan 820180190 (Condition 20 of MCPB No. 19-033). Additionally, the Planning Board provided comments to MCDOT on November 19, 2020 regarding Petition AB-773, recommending approval. MCDOT held a public hearing on the case on December 15, 2020. The County Council approved the requested abandonment (Resolution No. 19-1213) , and work began in June of 2022. The roadwork is being conducted by Regency Centers and their latest Public Notice estimates completion of the project in October of 2023.



*Figure 4 –Realignment Construction of Ridgefield Road Underway taken June 2023*

## PETITION REQUEST

On June 20, 2023 the Maryland-National Capital Park and Planning Commission (M-NCPPC) received Roadway Closure Petition AB-786 (“Petition”, “Application”, “Subject Petition”), in accordance with Section 49-62(g) of the County Code. The 5500 Westbard Avenue Block Civic Association (“Applicant”) is requesting permanent closure to all vehicular traffic, including emergency vehicles, of the intersection of River Road and Westbard Avenue. The Petition supports connectivity for pedestrians and bicyclists. Currently there are no sidewalks on either side of River Road, but MDOT SHA has installed marked, bikeable shoulders. The Petition also requests that a temporary closure remain in place until a permanent closure can be installed.



*Figure 5 – Photo of Westbard Avenue from River Road (looking south) taken in August of 2022. This temporary closure has since been removed.*



*Figure 6 – Photo of Westbard Avenue from River Road (looking south) taken in June of 2023*

The Petition points to concerns for traffic safety and relatively high through-traffic volumes on the street, after the realignment of Westbard Avenue and Ridgefield Road is complete and open to motor vehicle traffic. Before the temporary closure was installed, traffic calming measures such as speed bumps and restriction of left turns onto northbound River Road (signage) were installed and remain today. The Applicant explains that closing the road to all motor vehicles with a cul-de-sac or other turnaround configuration would reduce traffic volumes and potential conflicts on the roadway.

Letters of support for a permanent closure to all motor vehicle traffic were included in the Subject Petition from 23 of the 24 residents on the 5500 block of Westbard Avenue<sup>2</sup>.

## SECTION 5: FINDINGS AND ANALYSIS

### Conformance to the Master Plan(s)

Abandonment or closures of a public right-of-way, require approval by the Montgomery County Council in accordance with Section 49-63 of the County Code. The role of the Planning Board in this process is to provide comments and recommendations informed by the County Code and applicable plans and policies. Westbard Avenue is subject to multiple master plans. They include the 2016 *Westbard Sector Plan*, the 2018 *Master Plan of Highways*, the 2018 *Bicycle Master Plan*, and *Thrive Montgomery 2050*<sup>3</sup>.

The 2016 *Westbard Sector Plan* endorses the closure of Westbard Avenue at River Road after the realignment of Westbard Avenue and Ridgefield Road is complete. The Sector Plan recommends that the design of the closure feature a 3-inch mountable curb to allow for emergency vehicle access (page

<sup>2</sup> The submittal materials suggest that the Applicant was unable to get a response from the one homeowner who did not include a letter with the Subject Petition.

<sup>3</sup> The 5500 Block of Westbard Avenue is located within the plan boundary of the 1990 *Bethesda-Chevy Chase Master Plan*, but there are no recommendations specific to this block or the intersection with River Road.

37). This recommendation was developed in coordination with MCDPS Fire and Rescue to address traffic safety concerns, while preserving emergency vehicle access. The Sector Plan goes on to say that the closed end should be reconstructed to create a turnaround, in accordance with MCDOT standards. Action on the closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code and is subsequent approval by the County Council.

*Thrive Montgomery 2050*, the recently approved and adopted General Plan for the County, designates River Road from the District of Columbia to Interstate 495 as a Growth Corridor (page 42<sup>4</sup>) and a transit corridor, which could take the form of Bus Rapid Transit. The “Transportation and Communication Networks” chapter envisions a more robust street grid along these corridors. Page 73 states: “Expand the street grid in downtowns, town centers, transit corridors, and suburban centers of activity to create shorter blocks.” However, the Introduction states on page 4 that:

Area master plans, sector plans, and countywide functional plans will remain valid until modified pursuant to the guidance provided by this plan. Like the previous general plan its broad policy recommendations pave the way for future actions, such as amendments to other plans, policies, and development rules.

Furthermore, while the 2016 *Westbard Sector Plan* endorses closure of the residential portion of Westbard Avenue at River Road, the Sector Plan makes many recommendations to expand and enhance the grid of streets for all modes. Realigning Westbard Avenue and Ridgefield Road creates a smoother and more intuitive access to the Westbard commercial centers. Recommendations for two new Business District Streets are included amongst recommendations for new public connections and pathways for pedestrians and bicyclists.

The 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan* are silent as to any modifications to Westbard Avenue.

#### FINDINGS REQUIRED BY SECTION 49-63

- c. A right-of-way may be abandoned or closed if the Council by resolution finds that:**
- 1. the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or**
  - 2. the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed**

When determining whether a finding can be made for the present or anticipated public use of a right-of-way, the Planning Board looks to the approved and adopted master plans. While recognizing the *Thrive Montgomery 2050* recommendation to pursue shorter blocks on transit corridors and suburban

---

<sup>4</sup> All *Thrive Montgomery 2050*-page numbers and text per the October 2023 Draft.

centers of activity as an essential element of future planning efforts in the county, as modified by the staff recommendation and conditions above, the Petition is consistent with the endorsement of the 2016 *Westbard Sector Plan*.

Based on the public process and County Council approval of the Sector Plan's endorsement to close Westbard Avenue at River Road, as conditioned by this staff report, the intersection is not necessary for present or anticipated public use in the foreseeable future. This segment of Westbard Avenue was not intended for heavy truck or through traffic accessing the Westbard Shopping Center and Massachusetts Avenue.

Furthermore, the County Council added the endorsement for the closure of the 5500 block of Westbard Avenue at River Road as a response to traffic safety concerns. As discussed earlier in this report, the intent of the realignment and partial abandonment of Westbard Avenue and Ridgefield Road was to provide a more appropriate intersection for trucks and through traffic accessing the Westbard Shopping Center. Closure of the residential portion of Westbard Avenue would eliminate the practice of using it as a bypass for the intersection of Ridgefield and River Road (future Westbard Avenue and River Road). The closure therefore complements the realignment project and ensures that heavy trucks will no longer use the residential segment of the street. Reducing the number of heavy trucks on the residential portion of Westbard Avenue will improve public health and safety of the residents near the roadway closure.

Therefore, a full or partial closure of Westbard Avenue meets the necessary findings for Section 49-63 of the County Code.

## SECTION 6: CITIZEN CORRESPONDENCE AND PUBLIC NOTICING

The Petitioner has complied with all submittal and noticing requirements. As stated in Section 4 of the Report, 23 of the 24 residents on the 5500 Block of Westbard Avenue have issued letters of support of the Subject Petition. As of the date of this the Report's completion no citizen correspondence been received.

## SECTION 7: CONCLUSION

Staff recommends delaying closure until after the realignment of Westbard Avenue is completed for MCDOT to study potential roadway design and traffic operational alternatives at this intersection to ensure the alternatives respond to the updated traffic patterns in the vicinity of the intersection, with the recommended stipulations included in the staff report and transmit comments to MCDOT.

---

### ATTACHMENTS

*Attachment A: Right-of-way Petition AB-786*



April 27, 2023

Christopher Conklin  
Director  
Montgomery County Department of Transportation  
101 Monroe Street, 9<sup>th</sup> Floor  
Rockville, MD 20850

Re: Petition of Permanent Closure of the Intersection of Westbard Avenue and River Road

Dear Mr. Conklin:

We, the residents of the 5500 block of Westbard Avenue (“5500 Westbard Avenue Block Civic Association”), request the permanent closure to all vehicular traffic of the intersection of River Road and Westbard Avenue in Bethesda, pursuant to Section 49-62 of the Montgomery County Code. We also request that the intersection in question, which has been closed since June 2022 as part of a detour plan, remain temporarily closed until the final disposition of this application.

This intersection is dangerous, and the opening of the newly realigned Westbard Avenue will remove any need for it to exist. The new intersection at River Road is designed to facilitate all vehicular traffic between River Road and points along Westbard Avenue.

Per section 49-63(C), a public right of way may be closed if the Council finds that:

*(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or*

*(2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:*

*(A) any adopted land use plan applicable to the neighborhood;*

*(B) safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*

*(C) changes in fact and circumstances since the original dedication of the right-of-way.*

For decades, the 5500 block of Westbard Avenue was subject to tremendous cut-through traffic between River Road and the Westwood Shopping Center. Cut-through traffic created dangerous conditions on our block, as well as on River Road. Large trucks would barrel over the speed bumps at all hours of night, often waking up sleeping residents. Parents did not feel they could safely allow their children to play in their front yards, let alone in the right-of-way. Dozens of collisions occurred when drivers ignored the clear signage stating that it is illegal to turn left from Westbard Ave onto River Road. For all these reasons, this permanent road closure “is necessary to protect the health, safety and welfare

of the residents near the right-of-way to be abandoned or closed,” **satisfying the test in 49-63(c)(2) of the Montgomery County Code.**

Moreover, the *“safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic”* should naturally involve vehicular traffic traveling between River Road and points along the newly realigned Westbard Avenue being directed to ACTUALLY USE the newly constructed intersection of River Road and Westbard Avenue. This new intersection has a modern design and provides the safest traffic pattern. Leaving the currently existing intersection of River and Westbard open after the completion of the realignment project would encourage cars to take the more dangerous route. Through traffic would be much safer and more efficient if it does not involve the temptation to turn left from the current Westbard Avenue onto River Road. That illegal left turn has been discouraged to the maximum extent (short of enforcement) for years. Concrete medians channeling traffic to turn right onto River Road have been constructed, and a clear “NO LEFT TURN” sign was erected, but cars still regularly turned left onto River Road at the intersection, causing a very dangerous situation for drivers, including a number of documented collisions. A quick search of the county’s police dispatch database shows a minimum of 16 traffic incidents (mostly collisions) at this intersection dating back to April 2017 (For Incident ID numbers, please refer to “Exhibit D”), an average of more than 2 per year, and this only covers reported incidents coded in the county database as “Traffic/Transportation Incident,” so that number is likely undercounted. If this intersection is reopened after the realignment is complete, it is a certainty that many drivers heading north on River Road will cut through our block and illegally turn left onto River, thinking that they can go around the traffic signal at the new intersection. We ask the Council to consider all these factors, **as specified in 49-63(c)(2)(B) of the Montgomery County Code**, when assessing health, safety, and welfare issues.

Residents of our block have been involved in the public hearings on the 2016 Westbard Sector Plan and the abandonment of portions of Westbard and Ridgefield (AB-773), where we voiced our requests for the permanent closure of the intersection of Westbard and River Road. As a result, in July of 2016, the Montgomery County Council approved the Westbard Sector Plan while simultaneously making numerous revisions to the draft text. One of those revisions specifically called for the permanent closure of the River-Westbard intersection, and its subsequent reconstruction into a turnaround/cul-de-sac. The language calls for this action to be delayed until the realignment of Westbard Avenue is completed. The text is as follows:

*This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.*

This language in the Westbard Sector Plan (located on page 37, attached as “Exhibit C”) can be utilized by the County Council in its deliberations on the question of our health, safety, and welfare, **as specifically authorized by section 49-63(c)(2)(A) of the Montgomery County Code.**

The realignment of Westbard Avenue is currently anticipated to be completed in September 2023, just 5 months from now. It has been under construction since June 2022. This project has been incredibly disruptive. Many county residents have struggled with the removal of Westbard/Ridgefield as a transit corridor between River Road and Massachusetts Avenue. Businesses and customers of the Westwood Shopping Center have suffered through difficult detour patterns. Residents along Ridgefield Road were subjected to dramatically increased cut-through traffic traveling between River Road and the Westwood Shopping Center during the first 8 months of the detour plan. And we, the residents of 5500 Westbard Avenue, currently have no access to either River Road or Massachusetts Avenue that doesn’t require driving the extremely long and slow way around through Ridgefield Road, Springfield Drive, and Cromwell Drive. Our round-trip commute times to downtown DC have been increased by 10-12 minutes per day.

Throughout all of this disruption in the neighborhood’s traffic patterns, the River-Westbard intersection has been kept closed, and it is expected to remain closed as part of the detour plan for a minimum of 15 months (June 2022 – September 2023). There is no reason why it would suddenly become necessary to re-open the River-Westbard intersection once the realigned Westbard Avenue opens to traffic. Plainly, this extended period of closure has demonstrated that this intersection “is no longer necessary for present public use or anticipated public use in the foreseeable future,” **satisfying the test in 49-63(c)(1) of the Montgomery County Code.**

The detour plan (developed by the Department of Transportation) for the realignment of Westbard Avenue involves the temporary closure of the River-Westbard intersection. In June 2022, when the roadwork commenced, plastic barriers (reminiscent of orange hurdles) were erected across the ingress and egress lanes of the intersection. Drivers proceeded to ignore the barriers, driving around them and over the curb/sidewalk, or simply getting out of their cars and physically pushing the barriers out of the way. That same day, Regency and their contractor came out, observed the situation, and promptly replaced the flimsy barriers with something more sturdy. Hollow orange barriers were filled up with water and placed completely blocking all possible transit through the intersection. This mostly worked. However, on multiple occasions, even these heavy barriers were breached. Large trucks pushed the water-filled barriers out of the way, and traffic resumed pouring through our block until Regency scrambled some construction equipment to put the barriers back in place. Finally, a decision was made to put concrete jersey barriers in place, and that has ended the breach incidents. However, our block still experiences significant traffic from vehicles ignoring the detour/closure signage. Each one weaves around the barrier signage at the Westbard-Ridgefield intersection, and then rushes down our block at high speed. Then, upon realizing there is no outlet, they turn around (sometimes damaging our residents’ driveway aprons in the process), and speed back in the other direction. Exhibit B (attached) documents one incident this year in which a delivery truck knocked over two trees and caused other significant property damage in its attempt to turn around. This bolsters the need for the end of the block to be reconstructed into a turnaround, as called for in the Westbard Sector Plan.

We understand that the Westbard Sector Plan calls for a 3-inch mountable curb at the closed end of our block, to enable a continued connection with River Road for emergency vehicles. **We are**

**asking Montgomery County to abandon this requirement for a 3-inch mountable curb**, and to direct the Department of Transportation to proceed with a reconstruction that would block off all traffic connection between the 5500 block of Westbard Avenue and River Road. There are several reasons for this:

- 1) This intersection has been completely closed to emergency traffic for the past 10 months, and will continue to be completely closed to emergency traffic for at least another 5 months. This has occurred despite the simultaneous closure of the Ridgefield-River intersection, forcing emergency vehicles on River Road to travel down Springfield Drive and Ridgefield Road in order to access our block. Surely the reopening of the realigned Westbard Avenue to traffic will enormously improve emergency vehicle access beyond what has been deemed acceptable for the 15 months of construction. This should be sufficient for the long term. The newly realigned Westbard Avenue will have five (5) lanes of traffic traveling between River Road and the entrance to our block. In the unlikely event that all five of those lanes become blocked to emergency vehicles, then Springfield-Ridgefield route (which currently serves as our only access) will be available as a backup.
- 2) In February 2023, with the approval of MCPD and Montgomery County Fire & Rescue Services, the detour plan was modified to even more severely restrict emergency vehicle traffic. Westbard Avenue has been severed in between the Westbard-Ridgefield intersection and the entrance to the Westwood Shopping Center, resulting in a situation where the only vehicular access to our block is through the Springfield neighborhood via Ridgefield Road. Emergency vehicles on Massachusetts Avenue must travel through a maze of small neighborhood streets in order to reach our block.
- 3) We made it known that if our block of Westbard Avenue was going to be cut off from Massachusetts Avenue in February 2023, then we wanted to have the River-Westbard intersection temporarily re-opened. We felt that there would be little to no cut-through traffic, given that there is no access to the shopping center anymore. We were informed that these concerns had already been considered. We were informed that the Fire and Rescue Service signed off on the revised detour plan (keeping the River-Westbard intersection closed), as they felt they would still have sufficient access despite the road closures. We were informed that the MCPD strongly opposed the reopening of the River-Westbard intersection on the grounds that illegal left turns out of our block would cause a dangerous traffic situation. We must admit that they have a point.
- 4) Given that Montgomery County agencies have deemed emergency access to our block sufficient even during this time period of severely restricted access, we feel it is more than reasonable to make this complete closure of the River-Westbard intersection permanent, with no requirement for a 3-inch mountable curb. Optimally, we would like trees planted around the turnaround area to beautify the area, shield the block from some of the traffic noise emanating from River Road, and most effectively prevent any cut-through traffic. Bicycle traffic should not be impeded, however. A narrow passage permitting bicycles to move to and from River Road through our block should be planned for.
- 5) It is well documented that a major risk factor for neighborhood crime is the presence of an easy escape route for criminals, especially along an arterial road or expressway onramp. Several cars within one block of the intersection of Ogden Road and River Road in our neighborhood were broken into a couple of months ago, and no doubt the easy escape route played a factor.

Permanently closing the River-Westbard intersection to vehicular traffic would make our block safer. Criminals are not apt to obey the restriction on crossing over a 3-inch mountable curb.

The past year of road realignment disruption has made life more difficult for us, and the decades of cut-through traffic prior to that were a constant dangerous presence. For us, the light at the end of the tunnel has been the permanent closure of River Road and Westbard Avenue. However, we didn't realize that the street closure process outlined by section 49-62 is a rather lengthy one which can easily be expected to take a year from start to finish, even for a request as uncontroversial as we expect this one will be. The realignment of Westbard Avenue is currently expected to complete construction and open to traffic in September 2023. That is only 5 months away.

Therefore, **we are also requesting that the temporary closure of the River-Westbard intersection be extended past the completion of the Westbard Avenue realignment project.** We would like that temporary closure to remain in place until the final disposition of our application for permanent road closure. Montgomery County Code, section 49-62 (i) allows the extension of a temporary road closure to be extended for more than 12 months, if required by special circumstances. This situation constitutes special circumstances, and we are requesting that Director of Transportation apply to the County Council for approval of this extended temporary closure as soon as possible. This will prevent our block from being subjected to a resumption of cut-through traffic during the time necessary for the County Council and related agencies to give due consideration to our application.

Attached to this application is a letter of support for the permanent and complete closure of the River-Westbard intersection, signed by the residents of our block ("Exhibit E"). There are 24 households on our block, and 23 have signed in support of this application. We are still trying to get in contact with the 24<sup>th</sup> household. No residents of the block have expressed opposition.

Our \$2,500 application fee check is also enclosed (see "Exhibit A" for check image).

If you or the Department staff have any questions or need additional information, please contact Ben Mann via cell phone or email.

Thank you for your attention to this matter.

Sincerely,

Ben Mann  


On behalf of:  
5500 Westbard Avenue Block Civic Association



Michael Chen-Young [REDACTED]

---

**Claim # AMZ2023205371**

---

MChenyong [REDACTED]

Sun, Jan 8, 2023 at 4:21 PM

To: Michael Chen-Young [REDACTED]

**What Happened: 1/5/2023 around 5:45pm Eastern**

A large Amazon trailer truck was doing a U-turn near the end of Westbard Avenue and River Road, as the access to River Road is closed off with the Westbard Sector construction currently underway. The process of this U-turn caused 2 property damages.

Per the security video recording at the headquarter office of the Westbard Sector construction near the intersection of Westbard Avenue and Ridgefield Road, on 1/5/2023 at around 5:47pm Eastern, the Amazon truck by-passes the multiple signs and barriers at Westbard Avenue and Ridgefield Road (which say "Local Access Only", "No Access to River Road", and "No U-Turn") headed northbound to River Road.

The truck passes 5521 Westbard Avenue at about 5:48pm Eastern (also caught on neighbor's security video, then sees that the access to River Road is closed, then proceeds to try to do a U-turn which is difficult given the size of the Amazon truck. Neighbors witnesses the Amazon truck attempting a multiple-point U-turn to head back southbound on Westbard Ave away from River Road given the closure.

During that several point-turn, the Amazon truck had to mount the curb in front on my neighbors house at 5528 Westbard Avenue, making large and deep wheel tracks that damaged their grass. On my side of the street at 5521 Westbard Ave, the truck also mounted the curb, leaving tie tracks again while also driving into and damaging a part of my bush fence and also knocking down a tree into the lawn (and is now precariously leaning on to another tree).

The neighbors security video and the security video from the headquarter office of the Westbard Sector construction at Westbard Ave and Ridgefield Road show the Amazon truck heading southbound on Westbard Ave through the Ridgefield Road intersection at around 5:58pm Eastern.

Both myself and my Westbard Ave neighbors I have filed non-emergency police Montgomery County, Bethesda, MD reports. The police guided us to also file a report directly with Amazon.

In summary, there is property damage:

- 1) lawn damage at 5528 Westbard Avenue
- 2) plant fence and tree damage at 5521 Westbard Avenue

Your Amazon driver should have stopped and knocked on our doors when they saw that the tree was knocked down instead of driving off.

Please review the uploaded images and let us know if there are any questions.

**Property Damage:**

- (1) lawn damage at 5528 Westbard Avenue, and (2) plant fence and tree damage at 5521 Westbard Avenue

Files Uploaded:



Amazon truck 0 - Entering Westbard Av + Ridgefield.HEIC



Amazon truck 1 - lawn damage 5528 Westbard Ave.HEIC



Amazon truck 2 - lawn damage 5528 Westbard Ave.HEIC



Amazon truck 3 - Plant Fence + Tree damage 5521 Westbard Ave.HEIC



Amazon truck 4 - Plant+ Tree damage 5521 Westbard.HEIC



Amazon truck 5 - Both 5528 Lawn + 5521 Plant+ Tree damages.HEIC



Amazon truck 6 - Exiting Westbard + Ridgefield.HEIC



Amazon truck 5518 Westbard Av Jan 5-1.MOV

----- Forwarded message -----

From: **Claims** <AMZ2023205371-execna@arcclaims.net>

Date: Sun, Jan 8, 2023 at 4:17 PM

Subject: Claim # AMZ2023205371

To: [REDACTED]

Hi Michael,

Thank you for completing your claim form. Your adjuster will review it and get back to you shortly.

01-05-2023 05:47:44 PM



From R/W HDD



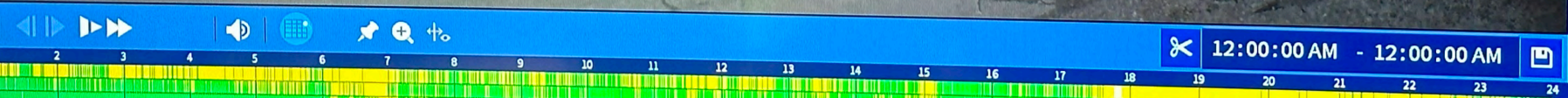
< Jan 2023

Su	Mo	Tu	We	Th	Fr
1	2	3	4	5	6
8	9	10	11	12	13
15	16	17	18	19	20
22	23	24	25	26	27
29	30	31			

Channel Name

- 1 LOREX
- 2 LOREX
- 3 LOREX
- 4 LOREX
- 5 CAM 5
- 6 CAM 6
- 7 CAM 7
- 8 CAM 8

EX



- Sync
- All
- Continuous
- Motion
- Smart Detection

👁️ 🔍 ☰

🕒 24hr 🕒 2hr 🕒 1hr 🕒 30min





LIMIT  
**25**

 SNOW  
EMERGENCY  
ROUTE











parking. Special consideration should be given to implementation of on-street parking on weekends and whether this weekend parking could be accommodated due to the retail and residential demands during those days.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two lanes per direction.
- Median: [None] 6-foot wide for pedestrian refuge; mountable curb/load bearing construction for emergency access.
- Separated Bike Lane: 5-foot-wide, one-way separated bike lane (cycle track) on each side of the road [with] outside of the curb to provide a buffer from traffic.
- Landscape Buffer: To accommodate [street trees] utility poles.
- Sidewalks: [15] 13-foot-wide at a minimum, except in the realigned portion where they should be 11 feet wide at a minimum.

The Montgomery County Department of Transportation should explore whether additional traffic signals are needed on Westbard Avenue.

Neighborhood Protection: Westbard Avenue (Residential Portion)

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

The Department of Transportation and the State Highway Administration should work with the Kenwood community to develop a design and operations plan for the River Road/Brookside Drive intersection that better protects Kenwood from cut-through traffic without restricting safe and convenient access between realigned Westbard Avenue and River Road.

New Connector Road (B-2)

([52] 54-foot minimum right-of-way; Westbard Avenue to River Road):

This business district street would improve local connectivity and contribute to providing a parallel route to Westbard Avenue. The street would serve local developments as well as provide a more direct connection to destinations on River Road on the west side of the Capital Crescent Trail (CCT). It would also provide for access to the CCT directly from Westbard Avenue. This street should align opposite intersections and consolidate adjacent driveways to the extent practicable at the time of implementation. Final road alignment and design should minimize conflicts between automobiles and park and trail users. The design and alignment of

## EXHIBIT D

Montgomery County Police Department database Incident IDs for occurrences requiring police attention which were coded "TRAFFIC/TRANSPORTATION INCIDENT", located on River Road at the intersection with Westbard Avenue:

**P2200204931**  
**P2200178321**  
**P2100222045**  
**P2100181221**  
**P2100053695**  
**P2000201146**  
**P2000077534**  
**P1900256396**  
**P1900219461**  
**P1900171748**  
**P1800007145**  
**P1700589283**  
**P1700543323**  
**P2200248058**  
**P1700843349**  
**P2200292469**



# EXHIBIT E

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.



Name: JULIE SATTERFIELD

Address:



Date: 23 APRIL 2023

Contact Email:



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.



Name:

Address:



Date:

4-23-2023

Contact Email:



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

---

Name:

**Bijal Doshi**

Address:

[Redacted]

Date:

**April 26, 2023**

Contact Email:

[Redacted]



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Nasy1 Wasykiwskyj  
Name:

Address:



Date:

04/23/20

Contact Email:



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Ferne Broderick

Name:

Address:



Date:

4/27/2015

Contact Email:

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Jennifer and James Nader

Name:

Address:

Date:

Contact Email:

April 23, 2023

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

ALISON McCARD & Martien van Nieuwkoop  
Name:

Address: ~~5500~~

Date: 4/23/23

Contact Email:




To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

  
Name: Benjamin Vaughan & Allison Gross

Address: 

Date: 4/23/2023

Contact Email: 

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date: April 23, 2023 \_\_\_\_\_

Contact Email: \_\_\_\_\_

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

  
Scott Greenberg

Name: 

Address: 

Date: 4-23-25

Contact Email: 

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

  
Name: Susan Zeng & Hengfu Zou

Address: 

Date: April 23 2023

Contact Email: 

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Vicente Martin

Name:

VICENTA MARTIN

Address:

[REDACTED]

Date:

4-23-2023

Contact Email:

[REDACTED]

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

*Hassan Farid*

Name:

Address:

Date:

*4/23/22*

Contact Email:

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Sanan Shaibani

Name: Sanan Shaibani

Address:

[REDACTED]

Date: 4/23/2023

Contact Email:

[REDACTED]

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Kamil Dybczak

Name:

Address:

Date: 4/23/2023

Contact Email:



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Nushin Todd

Name: NUSHIN TODD

Address: [REDACTED]

Date: 4/23/23

Contact Email: [REDACTED]

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

*Calvin Michael Koser*  
Name: Calvin Michael Koser

Address: [REDACTED]

Date: 4/25/23

Contact Email: [REDACTED]

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.



Name: MICHAEL & ADRIENNE CHEN-YOUNG

Address:



Date: 4/23/2023

Contact Email:



To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.



Name: BENJAMIN MANN

Address: [REDACTED]

Date: 4/23/2023

Contact Email: [REDACTED]


To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.


We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Name: 

Address: 

Date: 04/26/2023

Contact Email: 

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

Alicia and Farid Khadduri  
Name: Alicia Khadduri Farid Khadduri

Address: [REDACTED]

Date: Apr 123, 2023

Contact Email: [REDACTED]

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

*Stevan Joracovic*

Name:

Address:

Date:

*4/23/2023*


Contact Email:

To: Montgomery County Council

We, the undersigned residents of the 5500 block of Westbard Avenue, fully support the permanent closure of the intersection of River Road and Westbard Avenue.

We also request that the county continue the temporary closure of that intersection until such time as a final decision is made regarding permanent closure.

We support the closure of that intersection to ALL vehicular traffic, and would like for it to be converted into a turnaround cul-de-sac, with trees planted at the end to assist in preventing any cut-through traffic.

James Tam 

Name:

Address:



Date:

4/23/23

Contact Email:





**From:** [LeanneA Tobias](#)  
**To:** [Mencarini, Katherine](#); [Hisel-McCoy, Elza](#); [Dickel, Stephanie](#)  
**Cc:** [Jan Lilja](#); [Jon Shartar](#); [Radhika Sinha](#); [board@springfield20816.com](mailto:board@springfield20816.com)  
**Subject:** Fwd: Thursday, 7/27 July Planning Board Meeting--Item 6: Permanent Closure of Westbard Avenue at River Road No. AB786  
**Date:** Wednesday, July 26, 2023 6:57:12 PM

---

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

Dear Ms. Mencarini, Ms. Dickel and Mr. Hisel-McCoy:

Below is a copy of the July 26 letter sent to the Montgomery County Planning Board by Jan Lilja, President, Springfield Civic Association (SCA), concerning Item 6 on the Planning Board's July 27, 2023 Agenda, the proposed permanent closure of Westbard Avenue at River Road, No. AB786.

Ms. Lilja is copied, as is the SCA Board, including SCA's Traffic Officer, Jon Shartar and Radhika Sinha of SCA's recent Traffic Committee.

Leanne Tobias  
Board Member and Zoning Officer  
Springfield Civic Association

Sent from my iPhone

Begin forwarded message:

**From:** Jan Lilja [REDACTED]  
**Date:** July 26, 2023 at 5:39:17 PM EDT  
**To:** MCP-Chair <mcp-chair@mncppc-mc.org>  
**Cc:** board@springfield20816.com  
**Subject:** Thursday, 7/27 July Planning Board Meeting--Item 6: Permanent Closure of Westbard Avenue at River Road No. AB786

Via Email

July 26, 2023

Artie Harris, Chair and Members  
Montgomery County Planning Board

**SUBJECT: Proposed Closure of Westbard Avenue at River Road by the Residents of the 5500 Block of Westbard Avenue**

Dear Montgomery County Planning Board and Staff,

I write in regard to the request to permanently close the existing vehicular access to and from Westbard Avenue at River Road and your plans to discuss it tomorrow, Thursday, July 27, 2023 at 10:00 AM. I write on behalf of the Springfield Civic Association (SCA). It is important to note that this block of Westbard Avenue is within the defined boundaries of the SCA and many of its residents are dues paying members of the SCA. As of today, this block of Westbard Avenue is still part of the Springfield Civic Association.

The SCA very much appreciates the perspective of residents of the 5500 block of Westbard Avenue and respects the rights of any particular block or street to organize, but the Planning Board must be aware that no other Civic Association speaks for the Springfield neighborhood.

On the subject of closing Westbard Avenue, the Westbard Sector Plan provided that "(a)ction on this closure is predicated on the submittal of a formal neighborhood application for street closure..." To the extent that a formal application was made, it was certainly not made with the SCA's knowledge or involvement. For context, the Springfield neighborhood contains approximately 650 households. The 5500 block of Westbard Avenue contains approximately 25.

This proposal has major implications for many other individuals besides the residents of the 5500 block of Westbard Avenue. Over the past year, as construction of the new road proceeded, Springfield neighborhood roads which are narrow and unsuited to handle high volumes of traffic, witnessed exponential increases in traffic volume with very serious safety consequences. A closure of the 5500 block of Westbard Avenue will also affect other residents of Westbard Avenue and the Wood Acres neighborhood as well. These consequences must be studied.

We also want to note that, according to the Sector Plan, closure should not occur until the existing Westbard Road/River Road intersection is realigned. Currently, the road is not realigned. Later this fall, the realigned road will only partially reopen. The new Westbard road will still remain cut-off from the Springfield neighborhood. That connection will not be restored until early 2024 when Ridgefield Road is reopened. Any traffic studies that are conducted prior to this reopening will not capture the true implications of a permanent closure of the 5500 block of Westbard Avenue.

We are very glad that the Planning Board will be holding a public hearing on this issue, which will allow all neighborhood residents and affected individuals to testify on this issue. However, we believe consideration of closing this road is premature and unwarranted at this time. We would encourage the Board to delay the public hearing and any studies that may need to be conducted until after the new Westbard Avenue has fully reopened so that ALL neighborhood residents, the MCDOT, the police and the Planning Board will have a better sense of how the new traffic patterns are operating and can provide more informed testimony to the Planning

Board.

Respectfully,

Jan Lija  
President  
Springfield Civic Association

## Item 6 - Correspondence

**From:** [Mencarini, Katherine](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Dickel, Stephanie](#); [Hisel-McCoy, Elza](#); [Benjamin Mann](#)  
**Subject:** On-record testimony for Item 6 on the Board's July 27, 2023 Agenda Permanent Closure of Westbard Avenue at River Road No. AB-786  
**Date:** Wednesday, July 26, 2023 10:25:01 AM  
**Attachments:** [AB786 - Letter from Residents to Planning Board - 26July2023.docx](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Hello,

Please find the attached letter from the Applicant pertaining to item 6 on the Board's Agenda tomorrow (Permanent Closure of Westbard Avenue at River Road No. AB-773 786).

Sincerely,  
Katie



*Note on future availability: From July 17 and August 18 I will be on a reduced schedule working Wednesdays and Thursdays only. I will resume a normal schedule (5 weekdays) starting August 28, 2023.*

**Katherine (Katie) Mencarini** (she/her/hers)

**Planner III**

Montgomery County Planning Department

2425 Reddie Drive, 13<sup>th</sup> floor, Wheaton, MD 20902

[Katherine.mencarini@montgomeryplanning.org](mailto:Katherine.mencarini@montgomeryplanning.org)

p: 301.495.4549



**WE'VE MOVED!**

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT  
2425 REEDIE DRIVE, WHEATON, MD 20902

July 26, 2023

Montgomery County Planning Board  
2425 Reedie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

*Re: AB-786 (Permanent Closure of the intersection of River Road and Westbard Avenue)*

To board members Artie Harris, Mitra Pedoeem, Shawn Bartley, James Hedrick, and Josh Linden:

My name is Benjamin Mann, and I'm representing the 5500 Westbard Avenue Block Citizens Association, comprised of my neighbors on the residential block in question.

Please excuse the lack of polish in this letter. The staff report on this matter was completed on July 7<sup>th</sup>, but we were only informed on July 24<sup>th</sup> with less than 48 hours prior notice that our petition would be considered by the Planning Board this Thursday. We were unaware that the Planning Board had even intended to submit any comments on our petition prior to your August recess. This letter is being written early Wednesday morning, and time demands will not permit much in the way of revisions. We are writing in response to the staff report and its recommendations.

Our petition is before you today because, under the county statutes, it is lumped in with petitions for abandonment of public right of way. Abandonment petitions involve a request for public land to be transferred to the private ownership of the petitioner(s). Given that the land in question tends to be rather valuable, and that upon transfer of ownership the county loses the ability to control the land, abandonment petitions are naturally quite rigorous.

However, we are not requesting any change in ownership. It is our understanding that this is an extremely unusual petition request. The Department of Transportation was unable to locate any similar cases in its "abandonment" case records. The closest analogue was a case in which the county itself was the petitioner for permanent closure of a street in order to construct a library, which is rather different from regular citizens petitioning for a street closure. All other case records involved transfer of land ownership.

Given that what we are requesting is simply the implementation of the plain and specific language of the 2016 Westbard Sector plan, we didn't think that we would have to go through such an onerous and lengthy process. Nevertheless, we have pooled neighborhood funds to pay the \$2,500 application fee (this may be a minor expense to those who stand to

gain land ownership through the process, but it is quite a large fee for those who do not), and we are expending substantial amounts of time and effort in advancing this permanent road closure with public agency after public agency.

Please bear in mind that Montgomery County will still own all of the public right of way in question if our petition is approved. No decisions made here are irrevocable, should Montgomery County decide to put the land to different use.

We also want to emphasize that our petition does not request that the right of way be closed to pedestrian or bicycle traffic. Approval of our petition would not create any difficulties should future plans for the area involve more robust pedestrian/bike traffic connections between River Road and Westbard Avenue. We are only asking for the public right of way connecting River Road and our block to be closed to vehicular traffic.

The 2016 Westbard Sector Plan states (emphasis added):

**This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end.** The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. **The closed end should be reconstructed to create a turnaround.** Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

That language seems crystal clear to us. The River Road end of our block is to be permanently closed, and reconstructed to create a turnaround.

The language in the 2016 Westbard Sector Plan is the end result of several years of public engagement amongst all the stakeholders and public agencies. It was formally voted on and adopted by both this Planning Board and by the Montgomery County Council.

We were completely stunned when we read the Planning Board staff report. Not only does it decline to support our petition for prompt implementation of this aspect of the 2016 Westbard sector plan, it actually recommends that the sector plan be overridden.

The staff report's following design proposals for the intersection of Westbard Avenue and River Road are completely incompatible with the 2016 Westbard Sector Plan:

- "Closing the median on River Road, which would prohibit left turns on River Road."

- “Installing a larger directional island that ensures right-in/right-out traffic operations from and towards River Road support the signed left turn restrictions already in place.”
- “Closing northbound access onto River Road from Westbard Avenue.”

We feel we need to repeat the sector plan’s language again here: **“This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end.”** **“The closed end should be reconstructed to create a turnaround.”**

There is no reading of that language which could be construed as “Modify but do not close the intersection.” The sector plan’s language quite clearly calls for a cul-de-sac.

If there were a need to consider a great many different potential design plans for this intersection, we would naturally agree with staff that a lengthy study period is necessary, including further public engagement and comments.

However, given that the 2016 Westbard Sector Plan already settled this matter, there is clearly no need for a study to determine the design. This public right of way is to be closed and reconstructed to create a turnaround.

The study process recommended by the staff report is a solution in search of a problem.

Regarding access to emergency traffic, we understand that this is the only aspect of our petition that differs from the endorsed language of the sector plan. We have corresponded with Marie LaBaw, PHD. Marie represents MCDPS Fire & Rescue Services in issues of fire department access and water supply for the Department of Permitting Services.

Marie made it clear to us that it is unacceptable to construct a cul-de-sac this length (greater than 150’) without a turnaround which meets county code for emergency equipment. Fire engines visiting the end of the block would have to drive in reverse all the way out, with a fireman walking on foot behind the engine to guide it. **We agree wholeheartedly that the final reconstruction of this public right of way must accommodate emergency equipment.**

Marie also informed us that MCFRS would have no problem with a cul-de-sac in this location, with no mountable curb connection to River Road, so long as the cul-de-sac meets the 90’ diameter requirement specified by county code. Alternatively, if a cul-de-sac of that size is problematic in this location, a hammerhead turnaround would also be acceptable to MCFRS.

Marie has lodged public comments on this petition with DOT, and here I quote (in entirety) her most recent comment: **“I just had a chat with Ben Mann, the residents’**

**representative, and I should make clear that FRS and DPS do support an apparatus accessible closure and I'm happy to work with the interested parties on what that looks like."**

I am not a civil engineer, but I do have a healthy working knowledge of how to use the MC Atlas GIS mapping tools. Based on measurements taken using MC Atlas, it appears to me that there is indeed sufficient room for a cul-de-sac measuring 110' in diameter (90' of paved roadway to meet the fire code, plus 10' on both sides to account for curb and sidewalk and landscaping).

If a cul-de-sac design cannot be accommodated within this right of way, then it certainly looks like a 140' hammerhead turnaround would be no problem whatsoever to fit into the available public right of way.

If a thorough study determines that no fire accessible turnaround can be constructed here, then a 3" mountable curb to maintain emergency vehicle access would be acceptable to the residents of our block.

A summary of what we are requesting is as follows:

- Upon the completion of the realignment of Westbard Avenue/Ridgefield Road to tee into River Road (currently estimated for completion in Spring 2024, per Regency communications with neighborhood residents), the intersection of River Road and Westbard Avenue is to be permanently closed to vehicular traffic.
- This closure is to be implemented via a temporary fire accessible barrier while MCDOT finalizes the design for reconstructing this end of Westbard Avenue into a turnaround.
- MCDOT, in conjunction with MCFRS, is to make all reasonable efforts to design a fire accessible turnaround for Westbard Avenue which would make continued emergency vehicle connection to River Road unnecessary.

The residents of our block spent a great deal of time and energy advocating for this in the sector plan process, and those who have bought homes on this block subsequently had to pay prices that reflected the anticipation that the 2016 Westbard Sector Plan would be carried out, and that this block would become a cul-de-sac once the road realignment was completed.

If the permanent closure of this intersection is delayed, it will allow the immediate resumption of cut-through traffic down our block. Our children, who have safely been able to play street hockey and pass footballs around since the detour plan closed off one end of our block, will no longer be safe playing on our block.



The process envisioned by the staff report would involve a delay of multiple years before the permanent closure could be implemented (during which time we would be subjected once again to speeding cut-through traffic and dangerous illegal left turns), with a very real possibility that the permanent closure might never be implemented at all, or that it might be altered radically from the language negotiated and approved in the Sector Plan.

If the Planning Board were to abandon the negotiated language it adopted in the 2016 Westbard Sector Plan, and endorse the staff's recommended alternatives to a cul-de-sac, or if the Planning Board were to endorse a process involving years of delays that could potentially torpedo the permanent closure altogether, it would damage public trust in our governmental institutions. The language in the sector plan constituted a promise from both the Planning Board and the County Council that once the road was realigned, our block could become a quiet cul-de-sac. The number of households impacted may be small (24), but this is an issue of extreme importance to us, and this process represents the culmination of nearly a decade of public engagement focused on making this cul-de-sac a reality.

We respectfully request that your comments on our petition include approval of the permanent closure immediately upon completion of the road realignment, with the closure to be temporarily implemented via fire-accessible barriers while MCDOT and MCDPS Fire & Rescue work out the final design.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Mann', with a long horizontal flourish extending to the right.

Benjamin Mann

