

**IN THE MATTER OF:  
JOANN LELECK ELEMENTARY SCHOOL COMMUNITY SIDEWALK PROPOSAL**

**CIP Project No. 500333 / Pedestrian Safety Program**

**BEFORE: Maricela Cordova, Hearing Officer, Department of Transportation**

**PUBLIC HEARING OFFICER'S RECOMMENDATION**

**I. BACKGROUND**

The Montgomery County Department of Transportation (MCDOT) proposed to construct a network of sidewalks that will provide safer pedestrian travel along the following roadways in Silver Spring, Maryland:

- the **north** side (even-numbered homes) of **Stateside Drive** from **Avenel Road** to **Stateside Court**;
- the **south** side (odd-numbered homes) of **Stateside Drive** from **Avenel Road** to **Stateside Court**;

This project is located in the Oakview community of Silver Spring, within the fifth election district of Montgomery County, Maryland. The proposed sidewalk width is five feet, with a variable greenspace of 0 to 3 feet wide.

Displays were presented at the public hearing showing the proposed sidewalks along Stateside Drive. The new sidewalks would complete pedestrian connectivity to nearby destinations, such as the Joann Leleck Elementary School, Ride On transit bus stops, Northwest Branch Trail, St. Francis International School, St. Camillus Church, as well as the existing network of sidewalks. Additional displays showed typical cross-sections of pavement and sidewalk for the proposed, above-referenced roadway demonstrating the amount of public right-of-way available for construction of the sidewalks.

As proposed, the project's estimated cost is \$364,000, including administrative and construction inspection costs. The project will be funded through the County's Pedestrian Safety Program, CIP No. 500333. No properties are specially benefitted by the project, and, therefore, no properties are expected to be assessed.

Pursuant to Section 49-53 of the Montgomery County Code and due to the COVID-19 pandemic, a virtual public hearing was held on March 8, 2023, at 7:00 p.m. Public notice of the hearing was mailed to adjacent property owners, as well as those neighboring across the street. Notice to the public was, likewise, published in The Washington Times hardcopy and online newspaper on February 22 and March 1, 2023, was posted on MCDOT's web calendar, was the subject of a Montgomery County government press release circulated on February 7, 2022.

Following the hearing, the public record was held open until 5:00 p.m. on Wednesday, April 5, 2023, to allow for written testimony and final comments to be submitted.

## **II. SUMMARY OF TESTIMONY, WRITTEN COMMENTS AND EXHIBITS**

### **A. Project Description**

A description of the proposed sidewalk project was presented by Safe Routes to School Acting Program Manager, William Wu. The Oakview community sidewalk proposal was prompted by a walkability audit performed for the Joann Leleck Elementary School walkshed, which identified missing sidewalk segments. Mr. Wu described the project's history and the improved safety that would be created for the entire community. He explained how the proposed sidewalks will provide safer, more accessible east-west connection for pedestrians in the community. Mr. Wu also discussed the improved safety the sidewalks will provide students walking to and from Joann Leleck Elementary School by providing a separation of pedestrian and vehicular space. In addition, Mr. Wu discussed the improved safety the sidewalks will

provide all residents walking to the pedestrian attractions of the Oakview community including the Northwest Branch Trail, places of worship, private school, and numerous Ride On transit bus stops.

Mr. Wu provided a project vicinity map showing approximately 2,800 linear feet of the proposed sidewalk in the Oakview community of Silver Spring. The proposed roadway has the following available right of way dedicated for public use:

- The County has a variable 52 to 48 feet of total public right of way on **Stateside Drive**; the roadway is 24-feet wide. Thus, the County has a minimum of 12 feet of total available right of way on each side of **Stateside Drive** dedicated to public use.

#### **B. Testimony and Written Comments**

The Joann Leleck Elementary School Community Sidewalk Proposal evoked opposition by the community; the final comment tally at the public hearing stood at 2 households opposing the proposed installations and 0 households supporting the installations. Written testimony submissions provided additional community feedback with 10 households opposing it and 1 household supporting the proposed installations. Most of those who opposed the initiative expressed their concern regarding the removal of mature trees, snow shoveling responsibilities, and discussed that their community does not need sidewalks. For example, Kathleen Mayers of 1405 Stateside Drive voiced concerns over the tree impacts as well as maintenance responsibilities and street activity. Kathleen Mayers testified at the virtual hearing,

“15 homes are opposed to the sidewalks. I've lived here since '84. For various reasons, we don't want the trees that are 60-some years old taken up. We don't want extra traffic on our street. We can't afford that with the crimes and the prostitution rings and everything else. We don't want sidewalks. I have everybody's signature, their addresses, the date that they signed it.

Plus, it was a tree farm at one time, and that's why we have a variety of different trees. And that's why most of us purchased our homes, because of the beauty of the street, and we don't want to see it destroyed. We don't want the

responsibility of the sidewalks for the ice or snow. We don't want a big construction area in our front yard for weeks...

...when we moved in here, there was several kids -- my house alone had four -- and they've always ridden bikes; they've always roller-skated. They've done everything and there's never been a problem. Right behind our houses is a field with a track and playgrounds where anybody can go and play and safely play.

There's no children that walk here. Any children, there's a handful on our street who, when I went to their doors, their parents said, we drive our children to school. Anybody that walks up here are teenagers that don't even live here and, half the time, are visiting their friends."

Carol Mayers, also of 1405 Stateside Drive, provided testimony at the hearing discussing her perspective. She stated,

"I have lived here since we moved in, in '84. There's never been a problem with kids walking to school. There hasn't --there aren't any kids that walk to school. I leave the house every day for work and there's not a person in sight. So I don't know where all these kids are that are walking to school, but they're not on this street."

Melanie Symister, of 1408 Stateside Drive, provided testimony at the virtual hearing to oppose the proposal, stating,

"I particularly bought my house in this neighborhood because of the beauty of the foliage. I also liked that there were no sidewalks outside the front of my home. I am concerned about having to maintain the sidewalks. I do have a disability.

I do not want to be out shoveling 24 hours after snow has stopped. I did see the recommendations for measures that can be taken to have that, you know, to have accommodations for that, but I don't necessarily know whether that will be timely at all times in case of snowfall. Also, not being able to use the full extent of my driveway because I cannot block the sidewalk with a vehicle.

And even though only one tree was slated to be removed from the front of my property, digging within six to eight feet of another of my trees may compromise the roots, and that will be another tree that I will lose. In addition to the other reasons mentioned, those are my personal reasons that I do not want the sidewalk.

I do know that people walk up and down the street, however, there has never been an instance where, in my opinion, people have expressed feeling unsafe. I don't see children walking to and from school on our street. I have

reservations about how needed this is or necessary this is for small children who would be attending an elementary school to be walking from Stateside back to the elementary school that's in the subdivision.”

Written Testimony was requested as well, which could be submitted via email or regular mail. Elizabeth Bruton of 1501 Stateside Drive provided written testimony, noting the beauty of mature trees. She testified,

“It looks like the tree on the southern side of Stateside Dr, in front of 1501, is scheduled to be removed. It is a beautiful Southern Red Oak, with a diameter of 39, one of the largest on Stateside. We will be heartbroken if it is removed. We have been here for over 60 years, and it has been a source of shade and beauty for that long. There is nothing wrong with it.

Is there any way to have a sidewalk just on the northern side? I hear that there can be a replacement, but it may be planted elsewhere. It really is one of the most beautiful trees in Oakview. Is there anything else that can be done?”

Moses Charlery of 9408 Avenel Road voiced support for the sidewalk proposal.

He discussed safety concerns in his written testimony, stating,

“I’ve been living there since 2005, when we moved in the street was much safer on Stateside Drive, there was no vehicle parking on either side of the street. My wife and our kids including myself, could’ve walked down the street or ride a bike down the street with no problem. All of a sudden, things changed, people start parking on either side of the street. I recall a ride on bus went straight into 9405 coming from Stateside Drive, he didn’t stop for the stop sign.

A vehicle entered our yard without we even knowing and the lights from the police officers alarm us that there was something going on in our yard.

I’m against people just cutting trees for no reason whatsoever, I’ll be affected with one of my trees being cut, and I’m all for cutting the tree if in the long run, it will prevent a kid from getting hurt, because it will provide space that’s safe to walk instead of walking in the middle of the street, like we do.

My family and I cannot ride a bike, roller skate, or walk down Stateside Drive, if not in the middle of the street. I would love to see the sidewalk on Stateside Drive, for the kids going to school and the grown-ups as well, to be able to take a walk in the evening time or the morning time. Whenever is convenient for them, my family and I as well.”

Robert Borris of 1509 Stateside Drive similarly was concerned about the removal of trees, offering the following,

“I’m sending this email to voice my opposition to the proposal to install sidewalks on our street and to suggest an alternative. I’ve lived on Stateside for 20 years now, and it would be a great disservice to our community and environment to remove so many trees to accommodate these sidewalks. I think speed bumps and better lighting would be a better and more cost effective solution. I chose to live here because of the trees, and would definitely hate to see this unnecessary destruction.

Rosa Perez of 1316 Stateside Drive provided written testimony in opposition to the sidewalk proposal, noting privacy and limited school children walking.

“I am writing to express my strong opposition to the proposal. I have lived in this area for over 25 years and have enjoyed my privacy and having no sidewalk on my property. In the many years that I have lived in this street I have seen very little to no students walking to school. In the early 2000s my kids attended Joann Leleck, and we would never walk down Stateside Drive. The distance from my house to Joann Leleck walking by foot was incredibly far. I would always drive them to school, or we would cross a neighbor’s yard located on Stateside Court which has an alleyway. That alley way would lead up against St. Camillus parking lot which was a much easier walk to Joann Leleck. In fact, I strongly believe that should be the solution. The county should purchase a small piece of land from on the properties on Stateside Court and create an alleyway for the kids and those who wish to cross into Joann Leleck property.

Another reason why I don’t want the sidewalk is because we have a lot of random people who don’t even live on Stateside Drive come and park their cars overnight in front of our properties. I have observed that all those people live in the neighboring apartments Hampshire West, located on Avenel Road. Those people come and park their cars on top of my grass and leave all their trash in my front yard. I don’t think it’s fair that that I will need to be shoveling the snow and picking up other people’s trash in front of my yard if the sidewalk is made. In addition, here are some more reasons why I oppose the sidewalk.

1. Disruption to the natural environment
2. Displacement of wildlife
3. My driveway will be destroyed and shorten
5. More foot traffic on to my property causing trash
6. Ruined drainage for houses

Lastly, I ask you to revisit your proposal and consider making an alleyway instead of a sidewalk. It would be the best solution for all of us. Please help us keep Stateside Drive a beautiful street where our wildlife is preserved, our front yards remain private and clean.”

In addition to oral testimony at the public hearing, Kathleen and Tom Mayers of 1405 Stateside Drive reiterated their opposition to the sidewalk proposal in written testimony, which accompanied a petition in opposition to the sidewalk proposal. Of the 24 properties adjacent to the proposed sidewalk alignment, the petition was signed by 10 households.

### **III. ANSWERS TO FEEDBACK and CHANGES TO THE PROPOSAL**

Many residents commented and testified to the lack of need for the proposed sidewalks, citing limited observation of pedestrian activity along Stateside Drive. However, several residents noted observing pedestrians walking in the street. One resident referred to a past incident where a Ride On bus drove into a residential dwelling and noted concern for the school children he sees walking in the street. The Safe Routes to School Program aims to proactively build residential sidewalk networks to provide dedicated space for children walking and rolling to and from school where they are not in conflict with vehicular travel ways. Primary walking routes are being prioritized as identified in Walkability Audits. Residents who are less comfortable exposed in the street or may have mobility limitations will have the freedom to walk and enjoy their community from an accessible pedestrian space.

As displayed in the testimony, numerous residents opposed the sidewalk installation because of tree removal and the associated impacts to the environment and wildlife. Sidewalk installation, however, is a key component of the County’s Climate Action Plan, setting up the infrastructure to promote walking to school, public transit facilities and many pedestrian generators within a 1- mile proximity of the community. Trees have a majestic beauty, and mature trees have been part of the community’s landscape for generations. In addition to shade,

mature trees remove approximately 48 pounds of carbon dioxide per year, according to the EPA. MCDOT understands the desire to limit impacts to trees and must balance priorities and for any tree removed, three will be replanted. MCDOT acknowledges the loss of 29 trees is devastating and has performed further evaluation through a supplemental tree impacts assessment to reduce these impacts from 29 trees to a total of 1 mature tree, as described in the following pages.

Also displayed in the testimony, numerous residents suggested traffic calming as an alternative to sidewalk facilities to promote safety along Stateside Drive. Speed is a critical factor in traffic safety risk. However, the objective is to provide separation between school children walking and rolling and motor vehicle traffic. Potential alternatives to avoid tree impacts may involve shifting curb lines, which would also serve as pinch point traffic calming measures.

Lastly, residents noted opposition to the sidewalks due to winter weather maintenance concerns. Residents are responsible for removing snow and ice from any sidewalk or other walkway on or adjacent to property that the resident owns, leases, or manages. This includes any walkways within the public right-of-way to provide a pathway wide enough for safe pedestrian and wheelchair use within 24 hours after the end of the precipitation event that caused the condition. Residents may choose to remove the snow and ice until after the road has been plowed, so as not to duplicate efforts. This creates concern for residents where the physical labor of snow removal from sidewalks presents an excessive burden or potential health and safety risk. In the County, middle and high school students have Student Service Learning (SSL) hours they are required to complete for graduation. Residents may contact local schools to arrange for a student to clear walkways to earn SSL hours. There is no cost to the resident, only an SSL hours



form signed. Alternatively, many communities with homeowners’ or civic associations implement programs where able-bodied volunteers assist neighbors with snow and ice removal.

Due to the feedback from the community, a supplemental tree impacts assessment was performed to identify potentially less invasive construction means and methods to limit tree removals. As a result, this Hearing Officer **recommends** changes to the Joann Leleck Elementary School, Oakview Community Sidewalk Proposal for Stateside Drive; the following installations are recommended for construction:

Proposed Installation:	MCDOT Recommended Installation:
<b>Stateside Drive (north)</b> Avenel Road to Stateside Court	Sidewalks are Recommended for construction as Safe Routes to Schools. Changes detailed below.
<b>Stateside Drive (south)</b> Avenel Road to Stateside Court	Sidewalks are Recommended for construction as Safe Routes to Schools. Changes detailed below.

The original proposal presented to the community included installation of 5-foot-wide concrete sidewalk with a 0- to 3-foot wide grass buffer along both sides of Stateside Drive between Avenel Road and Stateside Court, where it will connect to the existing sidewalk network. Tree impacts were assessed based on maintaining the maximum desirable 3-foot grass buffer, as well as the construction impacts of installing standard concrete sidewalks and subbase. This represented the most conservative approach to assessing potential construction impacts. A revised Tree Impact Report and Protection Plan was prepared on March 27, 2023, by the County Arborist, and is attached with this recommendations letter. The recommendations include root pruning, air excavation, flexible/porous pavement, reduced sidewalk widths, and meandering sidewalk alignments to minimize impacts. Using these techniques, the total number of trees

requiring removal is estimated to be reduced to seven. Five of the seven trees that would still be impacted have a diameter of 24 inches or greater.

Further design changes will avoid impacts to mature trees adjacent to the property frontages of 1324, 1408, 1412, and 1419 Stateside Drive as follows. By modifying the curb alignment to reduce the roadway width and allowing for the sidewalk to be installed within the existing pavement footprint, these curb extensions will address several concerns voiced by residents in testimony – tree impacts, speeding, and on-street parking. The curb extensions will reduce mature tree impacts from five to one. The curb extensions also reduce the road width to 20 feet at these “pinch points,” which will provide traffic calming. The curb extensions will also reduce on-street parking supply and require additional signed parking restrictions to help deter non-residents from parking on-street, while still providing adequate parking supply for residents, maintenance, and guests.

Illustrations of the proposed sidewalk scenarios are attached for reference. These depict the original sidewalk proposal, a first revision with reduced impacts resulting for the County Arborist’s recommendations, and a second revision adding curb extensions in addition to the County Arborist’s recommendations.

**A. Testimony and Written Comments on the Revised Proposal**

The Joann Leleck Elementary School Community Sidewalk Proposal was revised to address concern voiced by the community. The revised sidewalk proposal was presented via email, webpage, and regular mail on or about April 4, 2023. The revised proposal continued to evoke opposition by the community, while some responded that their concerns had been addressed by the revised proposal. Written testimony was solicited with the public comment period extended to April 19, 2023, at 5 pm. Written testimony submissions provided additional

community feedback with 10 households opposing it and 3 households supporting the proposed installations. Most voiced concern over a perceived lack of need for pedestrian facilities as well as concerns for winter weather maintenance responsibilities. For example, Cecilia Umanzor-Aviles of 1409 Stateside Drive provided written testimony,

“I have lived on Stateside Drive for more than 15 years, and one of the reasons when we first moved here was the real feel of a country life in the city with all old beautiful trees. I have two girls in middle school and one in high school, which they take the school bus, and never had any problems walking to the bus stop. I oppose the construction of the sidewalk because it will change completely the look of the block. We have beautiful old trees that will be taken down and one important reason is that we are getting old, and it is hard to maintain the sidewalk clean due to not being able to move around or suffer from joint problems like our case. Also, if it snows or rains, we are responsible for any injuries that people might have, and we don't have the money or want to be liable for damages when you work hard to sustain a family.”

The Gomes household of 1323 Stateside Drive opposed the project referring to the peace of the street.

“We want to bring to your kind attention the fact that we oppose any kind of sidewalks in our peaceful and quiet neighborhood,” states Gabriel Gomes. Mary Gomes added, “I am opposed to having any sidewalks built.”

Beverly Brandt of 1415 Stateside Drive also similarly noted a perceived lack of need for the sidewalk and desire to keep the existing aesthetic,

“My family are the only originals on our street. I am 100% against your proposal of sidewalks. There aren't any reasons for sidewalks. We've never needed them. Personally, I do not want to change the look of our beautiful street or have responsibility for something I do not want.”

Some residents responded positively to the revised proposal, having previously noted concerns that have been addressed. Elizabeth Bruton of 1501 Stateside Drive responded,

“This is fabulous. We are happy with your efforts for sure. We live at 1501, so our large oak will be saved. Thank you for all your efforts.”

Erick Molina of 1412 Stateside Drive responded with appreciation for the revised proposal noting,

“Thank you for revising the original proposal. Option 3 looks best to conserve our trees. Parking restrictions are a must.”

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

The purpose of conducting a public hearing, as well as the comment period which follows, is to provide sound, factual information on resident perceptions and current conditions of safe pedestrian routes to and from schools. The information collected is used to prepare a recommendation which is presented to the Director of the Department of Transportation, Christopher Conklin, for a final decision on the project. The Director reviews the Hearing Officer’s recommendation as well as the full Record, and determines a final decision based on the public need and appropriateness of the project.

It is very common for sidewalk projects to raise diverse views on the necessity for construction of sidewalks. The opposition to sidewalk installation generally includes concern over an increase in responsibility and liability in inclement weather, the reduction of front lawns and driveways of impacted properties where the sidewalk is proposed, the loss of on-street parking, the impact to trees, other landscaping and rainwater drainage, the addition of impervious surfaces, the impact to the aesthetics of the community, etc. The proposed sidewalks in the Oakview community along Stateside Drive are no exception.

In my opinion, however, the public interest for the above-recommended sidewalks *is* adequately demonstrated. “Public interest” is a broad concept that manifests itself in a variety of contexts. When a construction project is involved, the project is considered to be in the public interest if it does such things as promote the general health and safety of pedestrians, protect the

environment, preserve open space, provide equitable solutions or otherwise advance the community's quality of life. This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. The County has, in recent years, focused on the need for pedestrian safety through the creation of a pedestrian safety task force and the tracking of pedestrian safety data through CountyStat. Sidewalks are an established means of reducing pedestrian-vehicle conflicts.

This sidewalk project was proposed under the Safe Routes to School Program, which is a continuing program to provide safe access for children walking and rolling to and from schools throughout the County. Though written comments, testimony offered, and a petition reflect opposition from residents, exhibits and supporting comments and testimony from the community provide adequate justification to establish that constructing the proposed sidewalks will create a safer mode of travel for all pedestrians. This is particularly true for children and residents of all ages walking or rolling to and from the Joann Leleck Elementary School, Northwest Branch Trail, places of worship, private school, and the County's Ride On bus stops. The sidewalks will provide a clear-cut and firm separation between vehicles traveling on the roadway and pedestrians increasing safety. The revised proposal elements to further mitigate tree impacts will also provide traffic calming along Stateside Drive. If approved, the sidewalks will be constructed entirely within the County's public right-of-way without needing acquisition of additional property.

Upon thorough review of all the testimony and evidence presented in the public record, I conclude that there is sufficient basis to find that this project will be in the best interest of the public. I, therefore, recommend that the Director of the Department of Transportation authorize the project be constructed by MCDOT as proposed.

Respectfully submitted,

eSigned via SeamlessDocs.com  
*Maricela Cordova*

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Maricela Cordova  
Public Hearing Officer

The Public Hearing Officer’s Report and Recommendation for construction of the Joann Leleck Elementary School, Oakview Community Sidewalk Project along Stateside Drive has been reviewed and the project is hereby authorized for construction as proposed with the changes for less invasive construction means and methods, and the revised configuration detailed in this document.

Date: Jun 7, 2023



Christopher Conklin, Director  
Department of Transportation