September 21, 2020

The Hearing Examiner, Department of Transportation

Montgomery County Maryland

cc: The Montgomery County Council

**Reference: AB-771, Abandonment Hearing, September 14, 2020**

**FOSC written testimony on abandonment of Ellsworth Drive**

Friends of Sligo Creek is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed.

We oppose abandonment of the roadway of Ellsworth Drive between Georgia Avenue and Fenton Streets. Our reasons:

1. Abandonment is allowed for public safety and/or lack of public use reasons. Neither is the case here. In fact, the space has had, is and is projected and planned to encourage significant public use. This should be sufficient reason not to authorize abandonment.

“Chapter 49 Findings  
Section 49‐63(c)(1) ‐(2) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right‐of‐way, including a public road, upon a finding 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.”
3. The Planning Board required, as a position of its approval of plastic turf, that the developer submit an alternate proposal. This has not happened. No additional related approvals should be passed at least until such an alternative is proposed by the developer.

From Planning Board Approval, Attachment D:

“1. Abandonment of Public Right-of-Way  
a. Prior to issuance of right-of-way permit, the Applicant must receive approval from County Council for the Abandonment Application No' AB-771 for the public right-of-way within Ellsworth Drive.

b. The Certified Site PIan must include an alternative design for Ellsworth Drive without synthetic turf, to be implemented if the County Council does not approve Abandonment Application No' AB-771.”

1. Why would the county remove jurisdiction from the street when the developer’s argument for approval is that the expected pollution will be captured by county run stormwater facilities? Intentional polluting isn’t legal, and should definitely not be pre-authorized. This is illegal. Even the manufacturer doesn’t recommend the type of stormwater system in place to handle plastic turf.

“p. 8: Existing concrete gutters will remain exposed and all stormwater facilities and inlets will continue to function as they do now, as will existing utilities and manholes shown on the Utilities Plan included in the Applicant’s submission. The turf will be maintained by Petitioners and will provide an expanded seating area where games and other activities/amenities can be located for enhanced enjoyment of visitors and patrons of all ages ...”

1. The significant health, heat, hardness, stormwater and other issues with plastic on Ellsworth will become more difficult to address if the road becomes entirely private.

As had been documented in other testimony, gluing plastic turf directly to asphalt is non-standard methodology – **not** recommended by the manufacturer for heavy foot traffic or vehicular. This setup can be expected to exacerbate degradation of the surface, increasing the burden on the stormwater filtration system. It will be harder than it is typically, which already is harder than grass turf. Experts have estimated it is expected to be hotter than asphalt. It will be exceptionally difficult to keep clean. It is not designed for heavy vehicle use – fire trucks, etc. Why would the county in effect endorse this scenario by abandonment?

Don’t abandon this roadway – make it be environmentally friendly and safe. This position should be the baseline position for the county regarding a prime public space in a major population center.

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