

## **Testimony**

of Clay H. Wellborn, on his own behalf and that of Edna P. Wellborn

My wife and I reside at 5829 Chevy Chase Pkwy, NW, Washington, DC 20015. Our house is on the north side of the street between Blessed Sacrament School on the west and the playground in question on the east. We oriented our house toward what is now the playground in question because of the noise from the Blessed Sacrament side of the house. Subsequently, the parish bought what used to be a residence, and we were faced with the problem of noise after hours from the east.

However, we understood that the parish school needed a large field for recess and physical exercise. Accordingly, we withdrew our objection to the creation of a playground in the belief that the earlier decision by the BZA dated September 13, 2011, and in the private agreement between Msgr. John Enzler, Pastor on behalf of the Shrine of the Most Blessed Sacrament and us would be in effect and protect us from noise from the east. (We understand that both the BZA decision dated September 13, 2011 and the private agreement will continue in force.)

We are again faced with the problem of noise after regular school hours. We suffer from noise not only from children, but from coaches and parents, who were never present until after trial periods specified in the agreement with the parish.

We are unable to use our back yard because of the noise.

We are unable to open the windows on the east side of the house or use the porch until after 6:30 pm. And during the last two years we have had no cross-ventilation in the house--an unhealthy situation thanks to the Covid-19 pandemic.

We have become prisoners in our own house for more than 10 years due to our good will toward the parish back in 2011.

Neighborhood children often climb over the fence that surrounds the playground, and sometimes the gates to the playground are left unlocked. For example, on about Dec 6, between 7 and 8 am gates were found unlocked. They apparently had been left unlocked all night.

Image 1: Leaving the playground unlocked overnight.



To make matters worse, the parish often ignored our complaints about after-hours noise from the playground. For example, the pastor of the parish responded with irritation when I called him one night around 9 pm about noisy people on the playground. He said in a voice full of resentment, "Well what do you expect me to do about it?"

The parish has also ignored our complaints about such things as repeatedly dying trees in the buffer between our two properties because the parish failed to water them properly.

The parish has recently identified Mary Seidel as coordinator of the playground. She has been very helpful. During her term as coordinator she has been instrumental in getting dead trees replaced, in arranging to water the new trees, and in employing a man to ensure that the playground is shut down by 6:30 pm. She has also visited our house so as to better understand the problems we face.

Despite her efforts, however, the parish has regarded the 6:30 pm end to disturbing noise from the east side of our house with "elasticity." Sometimes children, coaches, and others continue to make noise well after 6:30 pm, thus denying us the peaceful use of our porch on the eastern side of the house.

So we are opposed to the application by Blessed Sacrament unless Blessed Sacrament agrees to the following:

1. All provisions established earlier in BZA decision dated September 13, 2011, and in the private agreement between Msgr. John Enzler, Pastor on behalf of the Shrine of the Most Blessed Sacrament and Clay H. Wellborn and Edna P. Wellborn are to remain in effect.
2. Because the playground has become attractive to climbers, replace the current fence, which can easily be climbed over, with a 10' chain-link fence around the entire site-- including the gates--which are unlikely to be climbed over by neighborhood children when no guardian is present. This has already been done on the east side of the playground and in other examples of DC playgrounds.

Image 2: Replace the existing fence with a 10 ft chain-link fence to discourage climbing.



3. Keep the field locked at all times, except when it is in use by legitimate Blessed Sacrament School activities.
4. Ensure that the field is closed and locked by 6:30 pm or sunset -- whichever is earlier.

5. Arrange for regular watering of any new trees or shrubs in the border between our two properties.
6. Name a permanent coordinator of the field. Identify that person as the one we should contact in case of need. Provide us and the BZA with a position description for this person.
7. Make the guardian, who ensures that the 6:30 closure is observed, permanent. Require him/her to be present between 6:20 pm and 10:00 pm. Instruct the guardian to require all those on the field to clear the area by 6:30 pm or sunset--whichever is earlier. Provide us and the BZA with a position description of this person.
8. Because the noise of balls hitting the existing fence is like water torture--which happens many times during each day--provide a method to silence such occurrences, for example, by providing a net to catch the balls before they hit metal. An example is the playground between 41st Street, Livingston Street, and Western Avenue, NW.

Image 3: Use of net to catch balls before they hit metal



9. Provide respite from the constant noise from the use of the playground by closing the playground on weekends. The playground at the Presbyterian Church across Chevy Chase Parkway from BS closes on weekends, for example.
10. To see whether Blessed Sacrament can effectively manage the playground, require them to return to the BZA after ten more years.