

"Federation Corner" column
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What is the cost of a driveway?

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"How much for a driveway?"

It sounds like a question you might ask if you were playing some weird variation of the board game Monopoly. You roll the dice and move your piece around the board. You land on a real estate square and purchase the property. But before you can buy those little green, plastic houses and put them on your property, you first have to buy a driveway.

This odd variation of the popular real estate board game is playing out in real life, off River Road south of Bethesda. At least it seemed that way at first glance.

You see, there is a development company that wants to build a new townhouse subdivision on a piece of property that is "land locked without direct access to any public streets." That's what a Planning Department employee asserted in his January 13, 2011 memo to the Planning Board on the issue. The property lies beyond the terminus of Butler Road, with another property, owned by someone else, sitting smack between the end of Butler Road and the development company's property.

Fortunately for the developer, Little Falls Stream Valley Park is located adjacent to their property on its eastern flank. And a road, Little Falls Parkway, runs straight down the middle of the Park, from Fairfax Road on its northern end all the way to Massachusetts Avenue on its southern end.

The solution seemed simple: get approval for a driveway to be constructed from Little Falls Parkway to the property on which the developer plans to build the townhouse subdivision. And that's just what the development company did. They sought approval from the Montgomery County Parks Department and the Planning Board for an easement to build a driveway off of Little Falls Parkway to their property. Heck, even the area master plan states that the property, currently zoned for industrial use, might be suitable for townhouse residential use, "if access can be gained to Little Falls Parkway."

The claim that the property is "land locked" was repeated in a draft Resolution to approve the driveway easement across parkland, which was included in the materials given the Board for their consideration of the issue on January 20 of this year. The draft Resolution stated that the easement for a driveway is needed "to provide access to the Development Site as a result of the Development Site lacking any direct vehicular access to a public street."

Planning Department staff provided details of the recommended access easement to the Planning Board when they met in closed session on December 16, 2010. The term "closed session" means that no members of the public were allowed to attend, and the topic of the meeting was not publicly revealed at the time. The Board then met in a public session on January 20, at which they approved the easement for driveway access pending approval of an official Agreement between parties.

At their June 16 meeting, just last week, the Planning Board heard the issue again. This time they were considering approval of the details of the Agreement that had been drafted between the developer and the Maryland-National Capital Park and Planning Commission, which has jurisdiction over parkland in both Montgomery and Prince George's Counties.

I testified at the Planning Board hearing last week on behalf of the Montgomery County Civic Federation. The MCCF felt there was something amiss with the draft Agreement. It states "This Easement is granted solely to (the developer) to construct a townhouse development..." And the Agreement contains that now familiar language that the easement for a driveway is necessary "to provide access to the Development Site as a result of the Development Site lacking any direct vehicular access to a public street." But it also states that the driveway "will not be open to vehicular use until one or more townhouse units on the Development Site is available for sale."

How, we wondered, will the developer build townhouses on their "land locked" property, if the new driveway from Little Falls Parkway to the Site can't be used until at least two townhouses are built and available for sale?

The answer is that the developer already has an easement agreement with the owner of the property next door for access across that property and out to Butler Road. It is this access to Butler Road that the developer intends to use to construct their townhouses.

Why then do they need an easement for a second access to their site from Little Falls Parkway, on which commercial vehicles are prohibited? The second access will be built across precious parkland and will require a bridge be built over Willett Branch, the stream which runs the length of Little Falls Park to the Potomac River.

So, what is the cost of a driveway? The Agreement approved by the Planning Board last Thursday set the price to the developer at \$500,000. The money will go to the Parks Department for use on a Willett Branch stream restoration project and a program to eradicate non-native plants growing in the Park and along the Capital Crescent Trail, and to purchase radar speed display signs "for use as traffic calming measures along Little Falls Parkway..."

What other costs are involved? There is the price from additional impervious pavement in a stream valley that already floods during major storm events, resulting in closure of the Parkway. There may be the cost of vehicular accidents caused by locating the driveway around a curve, preventing drivers travelling south off River Road from seeing it from a distance. That would be an awful price to pay. And then there is the loss of the parkland itself, no matter how small the amount (the easement is 45 feet wide by 100 feet long).

The Agreement states the Park and Planning Commission has authority to sell or convey any land held by it that it deems "not to be needed for park purposes or other authorized purposes." Is our local government really so bad off financially that officials have to sell off parkland to developers for driveways, and claim it's no longer needed?

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-100 word column for consideration, send as an email attachment to theelms518@earthlink.net