

Letter submitted to Providence District supervisor Linda Smythe
Re: deterioration of the flora and fauna along the Custis Creek streambed

PROBLEM

Greenway Downs residents have witnessed a long and slow deterioration of a portion of John Mastenbrook Park that runs east/west along Custis Creek between Cameron St. and Marshall St. and bounded by Custis Parkway on the north and south sides.

Unchecked and neglected, non native vine species having been choking out and or are killing our numerous mature trees, causing large dead branches and trees to “hang” in mid-air, allowed out-of-control overgrowth to block safety signs and obscure the “unseen” dangers to our children and pedestrians walking in and through, and along the Parkway.

This is most especially troublesome along the portion of the creek where the Fairfax County Park Authority equipment such as the basketball hoops and tennis court backboard are such a draw for many neighborhood children.

SOLUTION

This spring I applied to the Fairfax County “Invasive Management Area Program” to become a volunteer Invasive Management Area Site Leader. I was willing to train and commit to the requisite number of hours per year to supervise at least three workdays a year to this portion of our park so our neighborhood could volunteer to reverse these deplorable conditions and stop the continuing degradation of our natural ecosystem.

PROBLEM

When the Fairfax County Board of Supervisors enacted the development of Resource Protection Areas (RPA) as regulated by the Chesapeake Bay Preservation Ordinance. (<https://www.fairfaxcounty.gov/landdevelopment/faqs-resource-protection-areas>) in 1993, this part of our 3.8 acres of park fell into what the Park Authority now calls “legal limbo.”

The RPA is a federal overlay that requires the Fairfax County Park Authority to submit a federal application to give us a for permit. According to the coordinator of the Invasive Management Area Program (IMAP) the application for such a permit requires a parcel number, and without such a number, cannot submit the application.

LIMBO

Seeking a solution to the parcel number issue, I spent the better part of the summer calling various Park Authority departments. I was told at least once, if not twice, that the Park Authority did not own that portion of our park. For the benefit of those employees who do not live in the neighborhood, I was quite adamant that the portion of the park in question had John Mastenbrook Park Authority signs all over it, the Park Authority mowed it, and the Park Authority had just installed new basketball hoops on the eastern portion.

I was advised to contact the Engineer of the Day at Land Development Services. I did so.

RESEARCH

After many hours of research into the history and development of Greenway Downs using the Historic Records Center in the Fairfax Circuit Court, and the Virginia Room in the Fairfax County Library, I discovered information that may provide us all with a solution.

I argue our case as follows:

The John Mastenbrook Park land that follows the stream valley from the Eastern portion of the Park to the western portion at Cameron Rd. was never at any point assigned parcel numbers. The 1927 Berry & Clark Civil Engineer map drawn when Ruby Lee Minar bought the 109 acre farm for development clearly show that this low lying area was never intended for development. This total lack of parcel numbers is a fact repeated in the Fairfax County Park Authority's 1980 map for Master Plan for Greenway Downs Park.

Since no parcel numbers were ever assigned to the strip of land running along the stream between the north and south side of Custis Parkway, there could not possibly have been a deed of transfer from anyone, including VDOT, to the Park Authority. The only parcel numbers associated with the Park belong to the lots at the far western portion of the Park.

A newspaper article from "The Fairfax Journal, Thursday, December 18, 1975 that includes a photo taken on this very strip of our Park, show John Mastenbrook and the then Providence District Supervisor James Scott dedicating the Greenway Downs new multi-use park. It is clear that the two government bodies with interests in this land along the creek and the parkway were the Park Authority and the Virginia Department of Transportation. They clearly came to an agreement.

So, the argument that the Park Authority does not own the Park, and that "deeds" were lost is simply not true.

SOLUTION

I presented these fact to the Engineering department . I have attached the email strings for you to read, but the solution provided by the engineering office was to submit the form “Removal of Vegetation in a Resource Protection Area Application Form” using the Tax map # sec. 50-4 and then during the review process, explain to the reviewer the specific area of concern.

PROBLEM

I shared this solution with the IMAP coordinator and the department reply was “unfortunately, this does not solve the paperwork problem as a parcel ID is still required and looking at this email chain that has not been assigned.”

CONCLUSION

I am appealing to Linda Smythe, our Providence District Supervisor, to please help resolve this issue so we residents of Greenway Downs can volunteer our time and effort to save the portion of John Mastenbrook Park that has fallen into such a disgraceful and unsafe state. This is where we live, walk by, through and around everyday, and where our children play.

To witness further degradation of our park because the Park Authority is stymied by a federal permit that requires a parcel number that never existed in the first place seems incredibly unreasonable, especially since we are a vibrant community with willing hands to pitch in.

Attached sources:

Berry & Clark Civil Engineer map of the Greenway Downs on June 7th, 1927 (Fairfax County Deed Book, B-10 p. 34A)

Master Plan Greenway Downs Park by Kilduff Mayberry & Assoc., February 1980 (<http://greenwaydowns.org/files/documents/Masterplan-Greenway-Downs-Park-1980-map.pdf>)

Written by GDCA Board member Sara Kelly and submitted by the Greenway Downs Citizens Association Board, 2018