



MCPB Item #5
January 16, 2025

MEMORANDUM

DATE: January 9, 2025

TO: Montgomery County Planning Board

VIA: Miti Figueredo, Director of Parks *mf*
Darren Flusche, Deputy Director, Administration *DF*
Gary Burnett, Deputy Director, Operations *Gary Burnett*
Christie Ciabotti, Division Chief, Park Planning and Stewardship Division (PPSD) *Christie Ciabotti*

FROM: Brenda Sandberg, Real Estate Management Supervisor, PPSD *BCS*
Anne Fothergill, Real Estate Manager, PPSD *AF*

SUBJECT: Land Acquisition Recommendation: 2225 Briggs Chaney Road, Silver Spring
Addition to Upper Paint Branch Stream Valley Park
Mary E. Scarce, Seller
4.31 acres, more or less, improved

STAFF RECOMMENDATION

Staff recommends the following action by the Montgomery County Planning Board:

Approve MCPB Resolution No. 2025-010 for the acquisition of 2225 Briggs Chaney Road property to expand the Upper Paint Branch Stream Valley Park for a negotiated purchase price of \$495,000 funded out of the Legacy Open Space CIP using Commission Bonds.

A draft of Resolution No. 2025-010 is attached.

SUMMARY

The proposed acquisition will provide natural resources benefits in an environmentally sensitive Special Protection Area (SPA) by protecting unique wildlife habitat (cold-water fishery), improving water quality, and preserving the ecological integrity of the Upper Paint Branch Stream Valley Park. It will also enhance public access to the park supporting recreational opportunities and connectivity within the park system through new trail access. Significantly, the acquisition will resolve a long-standing issue by removing an inholding that has been a source of environmental degradation and incompatible uses including encroachment within the Upper Paint Branch SPA. The subject property includes a freestanding house in poor condition to be demolished and removed from the site. The seller has agreed to a purchase price of \$495,000 with a target settlement in February 2025.

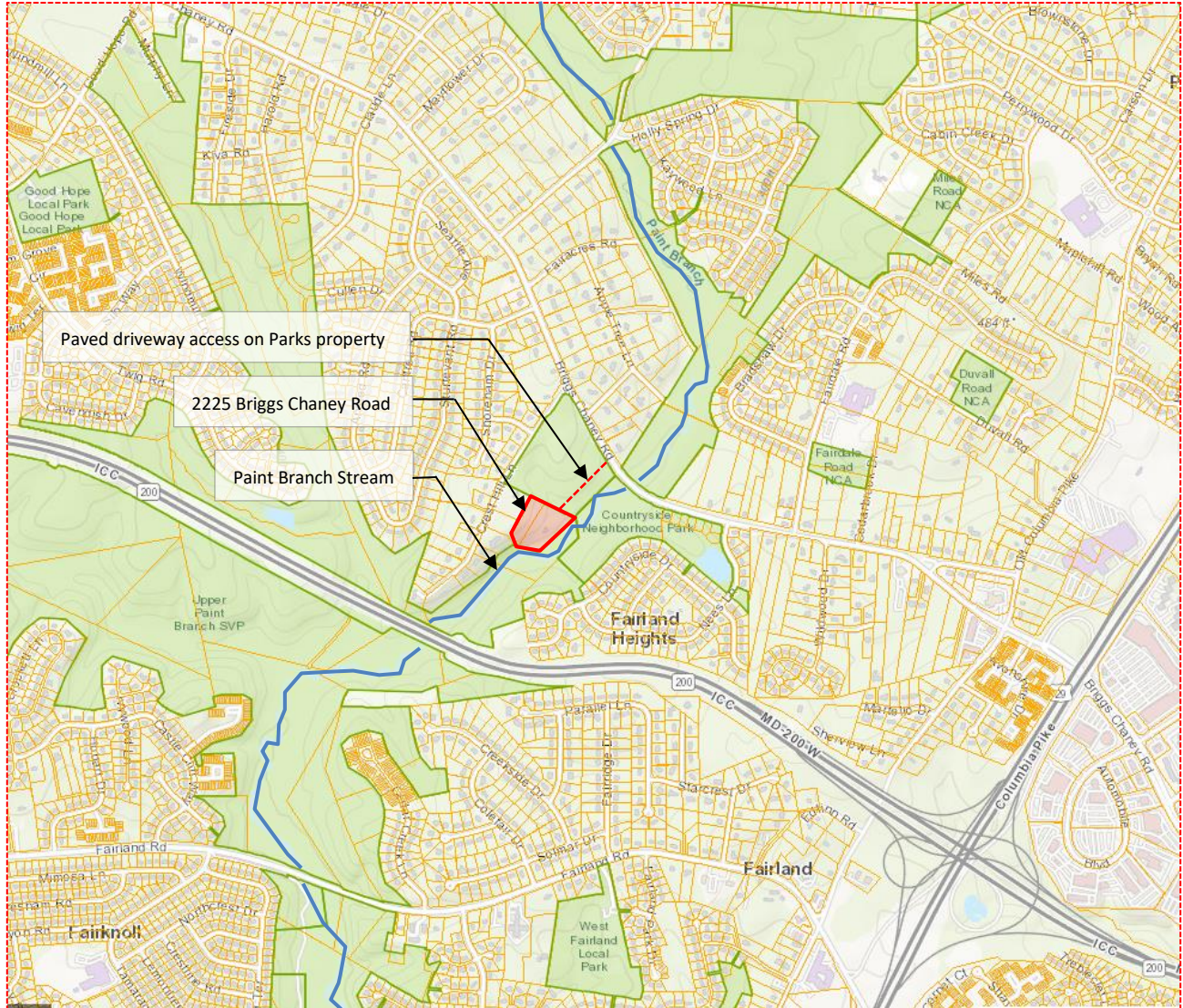


Figure 1: Vicinity map, 2225 Briggs Chaney Road, Silver Spring

PROPERTY DESCRIPTION

The subject property consists of two parcels totaling 4.31 acres located in the Cloverly community at 2225 Briggs Chaney Road, Silver Spring. It is surrounded on three sides by Upper Paint Branch Stream Valley Park and Countryside Neighborhood Park. The property is accessed via a long driveway extending from Briggs Chaney Road, which is paved across parkland and transitions to gravel on the subject property. Legal access rights for the driveway are documented in a 1964 recorded deed. The site includes an uninhabitable house and is zoned RE-2C, falling within the environmental overlay zone of the Upper Paint Branch Special Protection Area. The Upper Paint Branch stream runs along the east side of the property on adjacent parkland.



Figure 2: Aerial map, 2225 Briggs Chaney Road, Silver Spring

Encroachment Concerns and Conditions

The property owner has abandoned numerous vehicles on site, including on adjacent park property to the north. To address these issues before closing, the purchase agreement requires the seller to resolve all encroachments detailed in Encroachment No. 2024-120, issued on November 18, 2024. This includes the removal of all vehicles, trash, debris, and waste from current parkland, as stipulated in a pending Park Construction Permit.



Figure 3: 2225 Briggs Chaney Road, Front View



Figure 4: 2225 Briggs Chaney Road, Left Side View



Figure 5: Property owner's cars on adjacent parkland

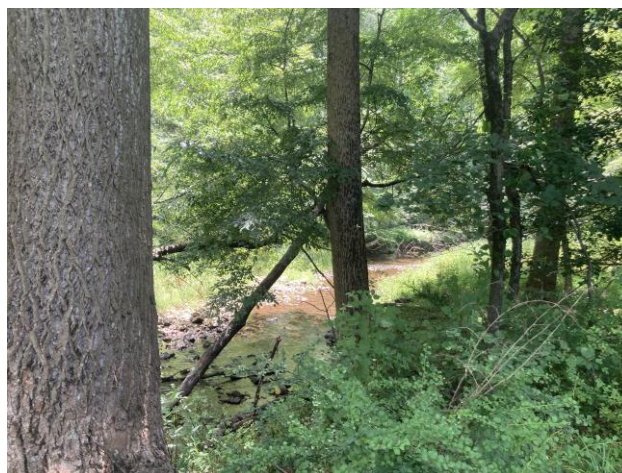


Figure 6: Upper Paint Branch on parkland east of property

ENVIRONMENTAL AND PUBLIC BENEFIT RATIONALE

A large portion of this property falls within the stream valley buffer of the Paint Branch, which in turn is within the environmentally sensitive Upper Paint Branch Special Protection Area (SPA) and is surrounded by the Upper Paint Branch Stream Valley Park Best Natural Area.

Adding this property to the park system would advance the protection of the cold-water fishery in Paint Branch that is the only naturally reproducing population of brown trout in Montgomery County. In addition, the property includes extensive floodplain wetlands and is surrounded on three sides by existing forested parkland. Removal of the encroaching elements on the site, built structures on the property, and the paved driveway through the stream valley park and forest will reduce impervious surface and debris in the stream valley buffer and will allow for floodplain restoration. Incorporating the property into the park system will prevent future misuse and possible development of the land and will eliminate the access easement through parkland. Extensive afforestation will further improve environmental stability and improve habitat on the site and throughout the stream valley.

The public benefit includes not only the environmental enhancement in the area, but also planned natural surface trails on the property. These trails would allow residents on the west side of the stream to access the natural areas on the property, connect to the existing loop around the community garden to the north, and potentially connect the trails system across the stream pending further study.

POLICY RATIONALE

Numerous studies, policies, and plans approved by the Planning Board and County Council emphasize the importance of protecting Montgomery County’s sensitive environmental resources. Parkland acquisition is consistently identified as a key strategy for achieving these conservation goals. This acquisition is in alignment with the broad environmental goals in the most recent General Plan (Thrive Montgomery 2050) and the Parks, Recreation and Open Spaces (PROS) Plan, both recently updated in 2022.

Since 1981, multiple studies and plans specifically highlighted the Upper Paint Branch watershed as a top priority for protection, recognizing it as a unique and fragile ecological system within the county. The Upper Paint Branch Watershed Study (1995) was a comprehensive, multi-agency report that analyzed the watershed’s health and included recommendations for land acquisition to preserve the sensitive watershed. The Cloverly Master Plan (1997) identified the Paint Branch mainstem next to the Scarce property as a location that provided trout spawning areas and adult habitat and recommended that parkland acquisition and other environmental protection tools be implemented. And in 2001, the Legacy Open Space Functional Master Plan identified the Upper Paint Branch as a “best of the best” natural resource that deserved protection through the tools available, including land acquisition where appropriate.

CONCEPT PLAN FOR SITE IMPROVEMENT

Before acquisition, the Seller will remove all abandoned vehicles, trash, and waste from the property and adjacent parkland, with Parks staff overseeing the process under a Park Construction Permit to prevent further environmental damage.

After acquisition, Parks will demolish the uninhabitable, non-historic house, remove unnecessary sections of the driveway off Briggs Chaney Road, plan for new trails, and study the feasibility of trailhead development and trail connections across the stream valley. Plans include additional environmental enhancement such as afforestation.

START UP COSTS & OPERATING BUDGET IMPACT (OBI)

Once the property is acquired and management is transferred to the Parks Department, the site will undergo cleanup and initial improvements. Key tasks include removal of the dwelling and portions of the driveway, necessary tree maintenance, and non-native invasive (NNI) and debris removal to make the property safe for informal public access. These initial efforts are estimated to cost approximately \$250,000. Subsequent site improvements are expected to cost about \$60,000 and include appropriate afforestation, gate installation, and other minor improvements. These demolition, stabilization, and site improvement costs will be funded with existing CIP funds set aside for post-acquisition work in the Legacy Open Space CIP.

After the afforestation has completed the initial 5-year start up period, Operating Budget Impact (OBI) for ongoing park staff resources is estimated to be approximately \$10,000 per year including terrestrial resource maintenance and other operational costs. When trails or any other improvements are proposed and installed in this part of the Upper Paint Branch SVP, estimated CIP and OBI will be determined at that time.

CONCLUSION

Real Estate Management staff are pleased to bring this acquisition to the Planning Board for approval. Acquisition of the property at 2225 Briggs Chaney Road in Silver Spring will provide benefits to the County through its protection of natural resources within the Upper Paint Branch Special Protection Area and expansion of the Upper Paint Branch Stream Valley Park with the opportunity to provide additional public access to this stream valley park.

CC: Mike Little
Darryl McSwain
Kenny Black
Kristi Williams
Andy Frank
Shuchi Vera
Megan Chung

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 25-010

Acquisition: 2225 Briggs Chaney Road, Silver Spring, MD

Seller: Mary E. Scarce

Project: Upper Paint Branch Stream Valley Park Acquisition

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Md. Code Ann., Land Use, §17-101 (formerly Article 28, Section 5-101), to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission, in closed session on January 9, 2025, that it approve the acquisition of 2225 Briggs Chaney Road and adjoining Parcel 24 (Tax Account Nos. 05- 00277021 and 05-00277032) recorded among the Land Records of Montgomery County, Maryland in Book/Page 03248/0470 and 03443/0444, respectively (“Property”), combined containing approximately 4.31 acres of land, from Mary E. Scarce (“Seller”); and

WHEREAS, the Property is located within the environmentally sensitive Upper Paint Branch watershed, a unique and sensitive ecosystem that has been studied and prioritized for conservation efforts, including parkland acquisition and designation as a Special Protection Area, for the past four decades; and

WHEREAS, the Property meets parkland acquisition criteria to protect the Upper Paint Branch as recommended in plans and studies including the Upper Paint Branch Watershed Study (1995), the Cloverly Master Plan (1997), and the Legacy Open Space Functional Master Plan (2001); and

WHEREAS, there are sufficient funds available in the Legacy Open Space CIP using Commission Bonds to pay the \$495,000 negotiated purchase price for the Property; and

NOW THEREFORE, BE IT RESOLVED, that the acquisition of the Property from the Seller as described above, for a purchase price of \$495,000, in accordance with a proposed Land Purchase Agreement between the Commission and Seller, is hereby approved by the Montgomery County Planning Board on this 16th day of January, 2025 and the Executive Director is authorized to execute said Agreement on behalf of the Maryland-National Capital Park and Planning Commission.

[AUTHORIZATION APPEARS ON THE NEXT PAGE]

MCPB No. 25-010

Acquisition of 2225 Briggs Chaney Road, from Mary E. Searce for the Upper Paint Branch Stream Valley Park

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This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of _____, seconded by _____, with a vote of __-__; _____ voting in favor of the motion, at its regular meeting held on Thursday, January 16, 2025 in Wheaton, Maryland and via conference.

Artie L. Harris, Chair

APPROVED AS TO LEGAL SUFFICIENCY:

M-NCPPC Legal Department

Date: _____











MCPB_2225 Briggs Chaney Rd_OPEN_2025-01-16_FINAL

Final Audit Report


2025-01-14


Created:	2025-01-10
By:	Sandra Samuel (Sandra.Samuel@montgomeryparks.org)
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