# MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES MAY 23, 2023

# This meeting was held via internet and telephone conference call.

# Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice Chair

Steve Connelly, representing Secretary Kevin Atticks, Maryland Department of Agriculture

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland

Department of Planning

Alex Butler and Ben Seigel, representing Comptroller Brooke E. Lierman

Joseph Wood

Gary Dell

Elizabeth Hill

J. Bruce Yerkes

#### Trustees Absent:

Gilbert "Buddy" Bowling Catherine Cosgrove

# Others Participating:

Michelle Cable, MALPF Executive Director

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Rama Dilip, MALPF Administrator

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Amanda Massoni, MALPF Fiscal Specialist

Patrick Martyn, Assistant Attorney General, Department of General Services

Renee Dyson, Assistant Attorney General, Department of General Services

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Megan Benjamin, Baltimore County Program Administrator

J.P. Smith, Jr., Carroll County Program Administrator

Billy Gorski, Anne Arundel County Staff

Donna Landis Smith, Queen Anne's County Program Administrator

Kathleen Seay, Charles County Staff

Joy Levy, Howard County Program Administrator

Carla Gerber, Kent County Program Administrator

Louis McDonald, Kent County landowner (Massey Properties LLC)

Summer Roen, Calvert County Staff

Althea Ewing Dulin, Talbot County landowner

E. Fatimah Hasan, Prince Georges Staff

Bill Amoss, Harford County Program Administrator

David Button, Harford County landowner

Jeff Campbell, Bay State surveyor for Mr. Button

Will Lefort, Department of General Services Appraiser

Mr. Allen, Chair, called the meeting to order at 9:03 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

#### APPROVAL OF MINUTES

A. Approval of Open Minutes from April 25, 2023.

Motion #1:

To approve minutes from April 25, 2023.

Second:

Motion:

Yerkes

Kille

Status:

Approved

# II. ADDITION / DELETION OF AGENDA ITEMS

N/A

# III. ANNOUNCEMENTS

Ms. Cable thanked the Board and Baltimore County staff for the successful first Board field trip of the year to Willowdale Farm/Farmacy Brewery.

Ms. Cable asked the county staff that were on the call whether anyone had any announcements or questions.

Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

#### IV. EASEMENT AMENDMENTS

#### A. CARROLL COUNTY

1. 06-20-06

Rinehart, Bryan and Jena

~168.3902 acres

# Request - Carroll County:

Request approval to exclude up to 2 acres for an owner's lot.

#### Recommendation:

Staff recommends approval.

Ms. Dilip introduced the item. Mr. Smith was available to answer questions from the Board.

Motion #2:

To approve an exclusion of up to 2 acres for an owner lot, as

presented.

Motion:

Kille

Second:

Dell

Status:

Approved

2. 06-90-21A

Tracey, Michael and Kristin

~ 90.617 acres

#### Request - Carroll County:

Request approval to exclude up to 2 acres for a child's lot for Benjamin David Tracey.

# Recommendation:

Staff recommends approval.

Ms. Dilip introduced the item. Mr. Smith was available to answer questions from the Board.

Motion #3:

To approve an exclusion of up to 2 acres for a child lot for Benjamin David Tracey, as presented.

Motion:

Dell

Second:

Connelly

Status:

Approved

#### B. HARFORD COUNTY

1. 12-13-02 Button, David

~ 139.9 acres

#### Request - Harford County:

Request to relocate an approved child's lot for stepson, Bryan Bradford, up to 2-acres.

#### Recommendation:

Staff recommends tabling the request to work with landowner to adjust the location of the lot, specifically so Bryan's lot would be adjacent to a previously released child's lot.

Ms. Cable introduced the item. Mr. Amoss, Mr. Button, and Mr. Campbell were available to answer questions from the Board. Ms. Cable expressed the concern of staff regarding the location of the proposed lot due to the area of the farm that was essentially cut off. Mr. Button discussed why he wanted the lot in the current location, using an existing farm lane as part of the fee simple configuration of the lot. Mr. Campbell suggested possible changes that could be made to make the lot more acceptable to the Foundation.

Motion #4:

To table the request, instructing MALPF Staff to work with the

owner on a revised lot configuration.

Motion:

Connelly

Second:

Yerkes

Nay: Status: Dell

Approved

- C. WITHDRAWN
- D. KENT COUNTY

1. 14-98-04 Massey Properties, LLC

~ 115 acres

14-21-10

Massey Properties, LLC

~296 acres

#### Request - Kent County:

Request pre-approval for agricultural subdivision of a ~296-acre farm currently under an option contract to sell an easement to MALPF resulting in two parcels of ~224-acres and ~72-acres, and combining the ~72-acre parcel with an existing MALPF easement (#14-98-04) of ~115-acres, resulting in MALPF easement #14-98-04 increasing to a total of ~187-acres.

#### Recommendation:

Staff recommends pre-approval subject to:

- 1. Settlement of MALPF easement #14-21-10.
- After completion of settlement of easement #14-21-10 and when the Landowner is ready to initiate the subdivision process, the Landowner submitting a formal request for the agricultural subdivision for final Board approval.
- 3. Waiver of the right to request termination after 25 years of establishment of the easement for easement #14-98-04:
- 4. Meeting all terms and conditions of COMAR 15.15.12.04 to the satisfaction of MALPF:
- 5. Landowner entering into corrective easements for easement #14-98-04 and, pending settlement of pending easement #14-21-10, and/or any other documentation required by the Office of the Attorney General and MALPF Staff:
- 6. If this request is pre-approved, Massey Properties, LLC signing and returning a copy of a letter acknowledging and agreeing to the terms and conditions of the Board's approval;

Ms. Turner introduced the item. Ms. Gerber and Mr. McDonald was available for any questions from the Board.

Motion #5: To pre-approve an agricultural subdivision of a ~296-acre farm

currently under an option contract to sell an easement to MALPF resulting in two parcels of ~224-acres and ~72-acres, and combining the ~72-acre parcel with an existing MALPF easement (#14-98-04) of ~115-acres, resulting in MALPF

easement #14-98-04 increasing to a total of ~187-acres, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Connelly

Status: Approved

#### E. ST. MARY'S COUNTY

18-97-03Ax1e Russell, Glen E. & Melissa

~ 24.82 acres

#### Request - St. Mary's County:

Request approval for a corrective easement to create a 1-acre non-subdividable building envelope that was approved as an owner's lot while under District.

#### Recommendation:

Per the terms of COMAR 15.15.11.03, staff recommends approval of the request subject to required regulatory conditions.

Ms. Cousins introduced the item.

Motion #6: To approve a corrective easement to create a 1-acre non-

subdividable building envelope that was approved as an owner's lot while under District, incorporating staff recommendations, as

presented.

Motion: Wood Second: Herr-Cornwell

Status: Approved

2. 18-99-13e Beaven, Agnes & Beaven Farm, LLC ~ 121.966 acres

# Request - St. Mary's County:

Request to approve three child's lots, each up to 2-acres in size, for sons, Justin, Colby, and Brandon.

# Recommendation:

Staff recommends approval for up to 2 acres if more than once acre is required per health department requirements subject to the conditions that the lot shown as letter A on the aerial photograph is first lot to be built, no matter whether it is an owner or child lot, letter B is the second lot to be built, and so forth.

Ms. Cousins introduced the item.

Motion #7: To approve three child's lots for sons Justin, Colby, and

Brandon, incorporating staff recommendations, as presented.

Motion: Dell Second: Wood

Status: Approved

#### F. QUEEN ANNE'S COUNTY

1. 17-90-13 Bostic, Richard and Barbara ~ 312.87 acres

#### Request - Queen Anne's County:

Request approval to exclude up to 2 acres for a child's lot for Eric Keith Bostic.

Recommendation:

Staff recommends approval.

Ms. Dilip introduced the item. Ms. Smith was available to answer questions from the Board.

Motion #8:

To approve an up to 2 acre exclusion for a child's lot for Eric

Keith Bostic, as presented.

Motion:

Kille

Second:

Wood

Status:

Approved

# V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

### VI. PROGRAM POLICY

A. Kent County Recertification Request

Recommendation:

Kent County's land preservation program complies with the requirements under COMAR 34.03.03; therefore, MDP and MALPF staff recommend, and MDP has approved, recertification for Fiscal Years 2024, 2025, 2026, 2027, 2028 (July 1, 2023 – June 30, 2028).

Ms. Turner presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval.

Second:

Motion #9:

To approve recertification request from Kent County land preservation program under COMAR 34.03.03.

Motion:

Goodall

Dell

Status: Approved

B. Cecil County Recertification Request.

Recommendation:

Cecil County's land preservation program complies with the requirements under COMAR 34.03.03; therefore, MDP and MALPF staff recommend, and MDP has approved, recertification for Fiscal Years 2024, 2025, 2026, 2027, 2028 (July 1, 2023 – June 30, 2028).

Ms. Cousins presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval.

Motion #10:

To approve recertification request from Cecil County land preservation program under COMAR 34.03.03.

Motion: Status: Yerkes Approved Second:

Goodall

#### VII. INFORMATION AND DISCUSSION

N/A

#### VIII. CLOSED SESSION

Mr. Allen asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #11:

To adjourn the regular session at 9:56 a.m. to move into a closed

session to consult with counsel to obtain legal advice.

Motion:

Goodall

Second:

Herr-Cornwell

Status:

Approved

The Closed Meeting of the Board was held from 10:03 a.m. to 10:21 a.m. on May 23, 2023, via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Steve Connelly, representing Secretary Kevin Atticks, Maryland Department of Agriculture, Gary Dell, Joe Wood, Alex Butler and Ben Seigel, representing Comptroller Brooke E. Lierman, J. Bruce Yerkes. and Elizabeth Hill.

The following Board members were absent: Gilbert "Buddy" Bowling and Catherine Cosgrove

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Chana Turner, Sarel Cousins, Rama Dilip, Kim Hoxter, Amanda Massoni, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

# **TOPICS DISCUSSED:**

- A. Approval of April 25, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Queen Anne's County-Final Lot Release Eligibility

Respectfully Submitted:

Michelle Cable, MALPF Executive Director