

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
August 28, 2018**

**Trustees Present:**

Michael Calkins, Chair  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Susanne Brogan, representing Treasurer Nancy Kopp  
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland  
Department of Planning  
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture  
Catherine Cosgrove  
Taylor Huffman  
Bernard L. Jones, Sr.  
Tom Mason  
Joe Wood  
J. Bruce Yerkes

**Trustees Absent:**

William Allen, Vice-Chair  
Ralph Robertson

**Others Present:**

Michelle Cable, MALPF Executive Director  
Diane Chasse, MALPF Administrator  
Chana Turner, MALPF Administrator  
Amanda Wilson, MALPF Fiscal Specialist  
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator  
Justin Hayes, Assistant Attorney General, Department of Agriculture  
Nancy Forrester, Assistant Attorney General, Department of General Services  
Joe Wiley, Baltimore County Planner  
Ronald Marney, Calvert County Program Administrator  
Catherine Hamilton, Calvert County Landowner  
Susan Cox, Calvert County Landowner  
David Cox, Calvert County Landowner  
Steve O'Connor, Cecil County Program Administrator  
Bill Gorski, Anne Arundel County Planner  
Roger Davis, Cecil County Landowner  
Kelly Slagle, Calvert County Economic Development  
Alex Willis, Caroline County Program Administrator  
Donna K. Landis Smith, Queen Anne's County Program Administrator  
Donna Sasscer, St. Mary's County Program Administrator  
Martin Sokolich, Talbot County Program Administrator  
Jeanine Nutter, Prince George's County Program Administrator  
Janell Droneburg, Frederick County Landowner  
Joann Guyton, Frederick County Landowner  
Wilmer Guyton, Frederick County Landowner

**Others Present By Phone Conferencing:**

Shannon O'Neil, Frederick County Government  
Eric Seifarth, Washington County Program Administrator  
Chris Boggs, Washington County Planner  
Carla Gerber, Kent County (Acting) Program Administrator  
Brenda Faulkner, Caroline County Landowner  
Bill Amoss, Harford County Program Administrator  
Fatimah Hasan, MD National Capital Park & Planning Commission (Prince George's)



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Ms. Turner introduced the item. Ms. Sasscer was available to address the Board. Ms. Turner explained that by review of an aerial photo of the property there appears to be trash/debris strewn across a ~6.0-acre area of the property, mostly concentrated within ~2.0 acres surrounding the house. Ms. Sasscer informed the Board that, at Ms. Turner's request, she had had photos taken of the area, but found that it was only agricultural equipment, and questioned what should be considered "debris." Ms. Turner explained to the Board that the photos received were taken from the road and not from an actual inspection of the property. Following discussion, Ms. Sasscer was directed to perform a more extensive inspection of the property and to work with Kim Hoxter, MALPF's Monitoring Coordinator, to contact the landowner regarding any clean-up required if the inspection in fact, uncovers a violation.

Motion #3: To approve the request to (1) release up to 2.0 acres surrounding the pre-existing dwelling as a child's lot for Barbara Currie; and (2) assign the pre-existing dwelling right as a 1-acre non-subdivideable building envelope subject to Board location approval on the easement property through an easement amendment. Any current or future violation that may exist on the property must be resolved prior to exercising the pre-existing dwelling right.

Motion: Wood Second: Oberg  
Status: Approved  
Absent: Brogan

B. CAROLINE COUNTY

1. File #05-87-17 Grable, Doris ~167 acres

Request – Caroline County:  
Request retroactive approval of agricultural subdivision.

The Landowner is requesting retroactive approval to agriculturally divide the easement property to create a ~45-acre parcel (Parcel 1), and a ~124-acre parcel (Parcel 2).

Recommendation:  
Staff recommends approval.

Ms. Turner introduced the item. Mr. Alex Willis, representing Caroline County, was present at the meeting, and Ms. Faulkner, the landowner's daughter, was available by phone to answer any questions from the Board. Ms. Turner explained the history of the subdivision violation, which includes ~10.5 acres of uneased property being combined at the county level with the ~45-acre MALPF-eased parcel. Ms. Turner further explained that as part of the resolution of the subdivision violation, the landowner, at no cost to the Foundation, will add the ~10.5 uneased acres to the corrective easement on the ~45-acre divided parcel, bringing the total acreage on that parcel to ~55 acres.

Motion #4: To retroactively approve the request for an agricultural subdivision of the easement property, including the addition of a previously uneased ~10.5 acres into the corrective easements, resulting in two separate easement properties consisting of ~55 acres and ~124 acres, subject to regulatory requirements.

Motion: Mason Second: Jones  
Status: Approved  
Absent: Brogan

C. CECIL COUNTY

1. File #07-13-04 Kilby's Inc. (Bill & Phyllis Kilby) ~260 acres

Request –Cecil County:  
Request approval to expand brewery operation to include tastings, tours and events, and to add a distillery operation. The request to expand the uses of the operation includes a

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30' x 60' addition to the existing brewery structure which will be used for the retail sales of beer and alcoholic beverages produced on site, tasting area, and sale of accessory items.

Recommendation:

Staff recommends approval of the expansion of the brewery operation to include tastings, tours and events pursuant to the Class 8 Manufacturer's License - Farm Brewery, issued under the authority of the Annotated Code of Maryland, Alcoholic Beverages Article (brewery license). These uses are also in compliance with the Annotated Code of Maryland, Agriculture Article Section, § 2-513(b)(1)(i), COMAR 15.15.01.17, and the Guidelines for Requested Uses of Land in the Maryland Agricultural Land Preservation Foundation (uses policy).

Staff's recommendation is subject to:

1. Any change of scale or additional uses of the operation, or ownership of the easement property, brewery operation as expanded, and/or distillery operation will require additional Foundation review;
2. Any change to the total size of the food preparation area will require additional review and specific Foundation approval. The additional review shall take into account the size of the area in proportion to the agricultural operation.
3. Dates of events being provided to MALPF once scheduled; and
4. Agreement to give the Foundation access to the facility for monitoring purposes.
5. Recommendation for approval of the distillery is subject to receipt of a valid distillery license.
6. Receipt of updated documentation that the owner of the easement property has an ownership interest in the brewery operation.
7. Receipt of documentation that the owner of the easement property has an ownership interest in the distillery operation.
8. The County Soil District provides an updated Soil Conservation and Water Quality Plan, if the District determines the change in land use to accommodate the distillery necessitates an updated Plan.
9. The landowner signing a letter that outlines the parameters and conditions of these approvals.

Ms. Turner introduced the item. Mr. O'Connor and Mr. Davis were available to address the Board. Ms. Turner reminded the Board of its 2016 approval of the Firetower Farm Brewery, an operation that produces its product from close to if not completely 100% of agricultural products grown on-site. The landowners and Mr. Davis, the brewery operator, discussed the growth plans for the brewery, and the Board directed the landowner to request approval for any changes to the then-approved or any additional uses. Ms. Turner and Mr. Davis advised the board that the brewery is now ready to embark on the next phase of its growth plan, as presented at the 2016 Board meeting.

Motion #5: To approve the request to expand brewery operation to include tastings, tours and events, adding a distillery operation, including a 30' x 60' addition to the existing brewery structure which will be used for the retail sales of beer and alcoholic beverages produced on site, tasting area, and sale of accessory items. Approval incorporates the staff recommended conditions.

Motion:	Wood	Second:	Yerkes
Status:	Approved		
Absent:	Brogan		

D. CALVERT COUNTY

- |    |                |  |            |
|----|----------------|--|------------|
| 1. | File #04-80-03 | Cox, David & Susan<br>Spider Hall Farm | ~363 acres |
|----|----------------|--|------------|

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Request – Calvert County:

Request retroactive approval of farm stand, current agriculturally-related uses, and expansion of the farm stand structure.

Recommendation

Staff recommends retroactive approval of an existing farm stand and certain other current uses and approval of certain proposed uses, pursuant to the *Guidelines for Requested Uses of Land in the Maryland Agricultural Land Preservation Foundation Program* (uses policy) subject to

- 1) separate approvals for each event that is not a season festival event in advance of the scheduled or to-be scheduled event, as discussed below;
- 2) removal of the two ice cream trucks which are currently located near the farm stand;
- 3) a written statement from the County as to the approved uses of the requested expansion, including a detailed description of the kitchen;
- 4) written confirmation from the County that the current footprint of the existing farm stand is no larger than 600 sq. feet;
- 5) evidence of the landowners having an ownership interest in Spider Hall Farm LLC; and
- 6) landowner and Spider Hall signing a letter that outlines the parameters and conditions of these approvals, and acknowledgement of any prohibited uses discussed herein.

Ms. Turner introduced the item. Mr. Marney, Ms. Hamilton, Mr. Cox, and Mrs. Cox were available to address the Board. Ms. Turner advised the Board that many of the current uses were approved at the county level over the past 7 years but, through no fault of the landowners or Spider Hall Farm LLC, the requests were not forwarded to MALPF for approval. Ms. Turner further explained that the farm stand has become a community hub and outlet for buying local agricultural products, however, the farm stand operation was not in compliance with the uses policy as 50% of the produce sold from the farm stand is not grown on site, and that the accessory sales area is at certain times of the season greater than the area of agricultural products. Further, the requested ~1,500 square foot addition to the farm stand would increase the footprint of accessory sales by the storage of accessory sale items.

Ms. Hamilton spoke to the use of the ice cream trucks, explaining they are in use off-site most of the season. Ms. Hamilton also explained that the farm stand operation provides an opportunity to local and regional agricultural producers to sell their products, as many of these local producers do not have a sales venue. Ms. Cosgrove advised the Board of her support of the farm stand from her personal knowledge of the operation. Ms. Oberg stated that the additional storage space should not be counted as accessory sales space. Ms. Landis-Smith emphatically expressed that the local and regionally-produced pre-packaged products are agricultural products and not accessory sales items.

Motion #5: To approve the retroactive request of farm stand, current agriculturally-related uses, and expansion of the farm stand structure, incorporating all of Staff recommendation except #2 regarding the ice cream trucks.

Motion: Wood Second: Mason  
Status: Withdrawn

Ms. Brogan expressed that the motion on the table did not capture all aspects of the request, and restated the salient points of the request and the Board's discussion as reflected in Motion #6.

Motion #6: To approve the retroactive request of farm stand, current agriculturally-related uses, and expansion of the farm stand structure, with the following conditions:  
1. Incorporate the Staff recommendations above, except #2, as the storage of the ice cream trucks will no longer occur on

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- the farm after the current 2018 season.
2. Allow the agricultural products grown on three Cox-family owned farms to be combined to meet the “majority of products” requirement for the farm stand on the easement property.
  3. Allow the continuation of the “Moo-vie night”, Easter egg hunt, “Trunk-or-treat” activities as promotional events (no entry tickets required) to encourage the public to come to Spider Hall Farm and purchase items from the farm stand and engage in the agri-tourism/educational aspect of the Little Hands operation.
  4. Acknowledge and recognize that agricultural products sold in the farm stand are not considered accessory sales, even if the items for sale are not produced on any of the Cox family farms (for example, ice cream, meats, jams, honey, etc. are all agriculturally related products that are permissible items for sale in a MALPF approved farm stand).
  5. Acknowledge and recognize that the storage space in the expansion area of the farm stand does not count towards any size limitation for retail/accessory sales square footage.
  6. Per statute, signage for commercial purposes are prohibited. Signage is considered outdoor, mounted signs.

Motion: Wood Second: Mason  
Status: Approved  
Abstained: Cosgrove

E. FREDERICK COUNTY

1. File #10-98-12 Guyton, Wilmer & Joann ~117.45 acres

Request – Frederick County:

Request to re-locate an approved lot from the easement for a child’s lot for Janell Droneburg.

Recommendation:

Staff recommends approval of location number 3.

Ms. Chasse introduced the item. Ms. Bradley was available by phone to address the Board and the Guytons and their daughter were present to answer any questions from the Board.

Motion #7: To approve the request to re-locate and exclude up to 2.0 acres for a child’s lot for Janell Droneburg at site #3.

Motion: Jones Second: Wood  
Status: Approved

G. WASHINGTON COUNTY

1. File #21-99-07 Living Springs Farm, LLC ~144.08 acres  
(Leroy Myers)

Request – Washington County:

Request approval of an agricultural subdivision of the Easement property creating an approximately 114-acre parcel and an approximately 30-acre parcel.

Recommendation:

In accordance with the Foundation’s Agricultural Subdivision regulations and with Senate Bill 975, approved by the Governor on May 25, 2017, now codified as Chapter 662, 2017 Laws of Maryland, Staff recommends approval, subject to the following conditions, which have been agreed to by the landowner:

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1. The regulatory conditions;
2. That the corrective easement documents the pre-existing dwelling on the ~114-acre parcel as non-subdivideable;
3. That the remains of the second pre-existing dwelling on the ~114-acre parcel be removed and reclaimed for agricultural use;
4. That the second pre-existing dwelling right be located on the ~30-acre parcel as a non-subdivideable building envelope in the location identified on the maps;

Ms. Cable introduced the item. Mr. Seifarth was available by phone to address the Board.

Motion #8: To approve the request of an agricultural subdivision of the easement property resulting in two separate easement properties consisting of ~30 acres and ~114 acres, subject to the Staff recommended requirements.

Motion: Wood Second: Jones  
Status: Approved

**V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:**

**A. TALBOT COUNTY**

1. 20-19-01 Dulin, Robert and Alhea ~167.80 acres

Request is to approve the application withholding 5.4 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a 5-acre residential lot surrounding existing dwelling as well as a 0.4 acre that is a sliver of land between an existing lot and the farm property boundary. In addition, to acknowledge a 13.47 acre protected open space area within the property that will be included in the MALPF easement for no compensation.

2. 20-19-04 Harrison, James and Annette ~28 acres

Request is to approve the application withholding 2.0 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a residential lot surrounding existing dwelling. If easement offer extended, a right of way agreement will be required to give easement property legal access through residential lot.

3. 20-19-06 Fisher, Dave and Luann ~147.371 acres

Request is to approve the application withholding 3.0 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a residential lot surrounding existing dwelling.

4. 20-19-10 Firth Trusts ~301.869 acres

Request is to approve the application withholding 40.0 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create two future residential lots.

Motion #9: To approve the Talbot County requests as presented.

Motion: Wood Second: Cosgrove  
Status: Approved  
Abstained: Brogan (only for File #20-19-10)

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B. KENT COUNTY

1. 14-19-11 Owings, Casey and Megan ~121.128 acres

Request is to approve the application designated a 0.4 acre area (including access) as a non-subdivideable permitted use area for the use of a cell tower. There are zero development rights associated with it. The area may be used for the cell tower lease through as long as a lease is current. After a period of one year after the lease expires, the envelope will dissolve and the area shall be returned to agricultural use.

Motion #10: To approve the Kent County request as presented.

Motion: Jones Second: Wood  
Status: Approved

C. HARFORD COUNTY (Diane)

1. 12-19-03 Clark Realty, LLC (Douglas Clark); Rutledge, James, III; ~132.20 acres  
Nancy Land Company, LLC (Michael Silver)

Request is to approve the application designating 1-acre as a non-subdivideable building envelope from the easement with 1 development right associated, as located on the map.

2. 12-19-04 Clark Realty, LLC (Douglas Clark); Rutledge, James, III; ~195.41 acres  
Nancy Land Company, LLC (Michael Silver)

Request is to approve the application designating 1-acre as a non-subdivideable building envelope from the easement with 1 development right associated, as located on the map.

3. 12-19-06 Rigdon, Mary ~196.39 acres

Request is to approve the application designating 1-acre as a non-subdivideable building envelope from the easement with 1 development right associated, as located on the map.

4. 12-19-08 Tomlinson, Rachel and Kyle ~30.175 acres

Request is to approve the application designating 1-acre as a non-subdivideable building envelope from the easement with 1 development right associated, as located on the map.

Motion #11: To approve the Harford County requests as presented.

Motion: Wood Second: Yerkes  
Status: Approved

D. CARROLL COUNTY (Chana)

1. 06-19-01 Aloha Farms, LLC 103.54 acres

Request is to approve the application withholding 1.34 acres from the easement with zero development rights associated with it. Withheld acreage is located within the Rural Village Boundary.



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2. 06-19-02 Baylor, Colleen 31.08 acres

Request is to approve the inclusion of 11.23 acres in the easement which are already eased by a forest conservation easement and a flood plain easement. No compensation will be paid for the 11.23 acres, however, the easement will cover that acreage.

Motion #12: To approve the Carroll County requests as presented.

Motion: Jones Second: Oberg  
Status: Approved

E. WICOMICO COUNTY (Chana)

1. 22-19-02 Harcum, Michael & Dawn 174.9 acres

Request is to approve the application withholding ~9.8 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create one future residential lot.

2. 22-19-03 Harcum, Ralph & Sharon 89.6 acres

Request is to approve the inclusion of 24.6 acres within the property that will be included in the MALPF easement for no compensation. The area is excluded from payment to meet the qualifying soils requirement of the easement application.

3. 22-19-06 Hurleyville Farms, LLC 58.6 acres

Request is to approve the application withholding ~3 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create three future residential lots.

4. 22-19-10 Simms, William & Betty 78.24 acres

Request is to approve the application withholding ~2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create one future residential lot. An additional 140.36 acres are withheld as they are already encumbered with a combination of a MALPF easement and a deed-restricted open space area.

5. 22-19-12 Wright, Charles M., V 70.8 acres

Request is to approve the application withholding ~4 acres from the easement with 2 development rights associated. Withheld acreage is for a lot surrounding an existing dwelling, and the ability to create a future residential lot (two lots total).

Motion #13: To approve the Wicomico County requests as presented.

Motion: Jones Second: Oberg  
Status: Approved

F. CECIL COUNTY (Michelle)

1. Withdrew

2. 07-19-03 Durgin, Robert F. & Roberta ~102+ acres

Request is to approve the application withholding 7.3003 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create two future residential lots on the opposite side of road as application property.

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3. 07-19-06 Herring Creek Farm, LLC ~406 acres  
Request is to approve the application designating ~4.0 acres surrounding an existing house and accessory structures as a non-subdivideable building envelope from the easement with 1 development right associated.
4. 07-19-07 Losten's Dairy, LP ~581+ acres  
Request is to approve the application withholding ~8 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create two future residential lots.
5. 07-19-09 Mason, Alan & Pamela ~158+ acres  
Request is to approve the application withholding 4 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create two future residential lots. In addition, request approval of designating two areas of the property as non-subdivideable permitted uses envelopes, ~8.6 acres for a stream restoration project and ~8 acres for a solar project. The areas and their designated access lanes will be included, but unpaid, in the MALPF easement. Both permitted use areas will never be subdivided and owned separately from the overall farm. In addition, when the solar project area was no longer used for the solar project, the area may be used for other non-residential, commercial operations that are permitted by the county.
6. 07-19-10 McKeown Family, LLC ~220 acres  
Request is to approve the application designating a sand and gravel mining area, including access, of ~ 9.5 acres as a non-subdivideable permitted uses envelope. The mining area and designated access lane will be included, but unpaid, in the MALPF easement. The permitted uses area will never be subdivided and owned separately from the overall farm. In addition, request approval to acknowledge an existing private landing strip on the property that has the ability to expand as previously approved by the duly authorized organization.
7. 07-19-11 Quiet Acres Farm, Inc. ~238+ acres  
Request is to approve the application withholding ~2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create one future residential lot.
- Motion #14 To approve the Cecil County requests as presented.
- Motion: Huffman Second: Oberg  
Status: Approved  
Abstained: Mason (only for File #07-19-09)

G. MONTGOMERY COUNTY (Michelle)

1. 15-19-01 Baker, Paul & Nancy ~102+ acres  
Request is to approve the application and acknowledge the existence of the composting operation, allowing the composting operation to maintain the existing footprint, parking included. If/when the owners desire to expand the composting operation/parking area, or venture into any other activities or permitted use operation(s), the MALPF policies and regulations will apply to the operation as a whole, including the composting operation at that time.
- Motion #15 To approve the Montgomery County request as presented.
- Motion: Jones Second: Huffman  
Status: Approved

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H. QUEEN ANNE'S COUNTY (Michelle)

1. 17-19-03 Councell, Phillip E. & Jo Ann ~79+ acres

Request to approve the inclusion of a 21.25 acre county held deed restricted open space area within the property that will be included in the MALPF easement for no compensation.

2. Withdrew

3. 17-19-09 Leager, Donald ~145 acres

Request is to approve the application and acknowledge the existence of the farm stand, allowing the farm stand to maintain the existing footprint, parking included. If/when the owners desire to expand the farm stand/parking area, or venture into any other agritourism activities or other permitted use operation(s), the MALPF policies and regulations will apply to the operation as a whole, including the farm stand at that time. Prior to the establishment of the easement, if the owners want to ensure that the farm stand operation, or other county permitted commercial use (non-residential), may continue or expand on the premises, the owner can designate a permitted uses envelope, unpaid, where county-permitted uses may occur without MALPF approval.

In addition, there are ~49 acres of non-contiguous land that are not eligible to be included in the easement application. A declaration of restrictions is not required for the non-contiguous acreage.

4. 17-19-10 Masons Legacy LLC ~262+ acres

Request is to approve the application and acknowledge the existence of the farm stand, allowing the farm stand to maintain the existing footprint, parking included. If/when the owners desire to expand the farm stand/parking area, or venture into any other agritourism activities or other permitted use operation(s), the MALPF policies and regulations will apply to the operation as a whole, including the farm stand at that time. Prior to the establishment of the easement, if the owners want to ensure that the farm stand operation, or other county permitted commercial use (non-residential), may continue or expand on the premises, the owner can designate a permitted uses envelope, unpaid, where county-permitted uses may occur without MALPF approval.

There are also existing solar panels on the property, used to provide energy for the grain tanks, other agricultural structures, and the residence. Request acknowledgement the existing solar panels, allowing them to be maintained and replaced as needed. If the owner wants to install additional solar panels, must comply with MALPF policy at that time.

5. 17-19-12 Staver, Kenneth & Lorie ~298+ acres

Request to approve the inclusion of a 47.402 acre county held deed restricted open space area within the property that will be included in the MALPF easement for no compensation.

Motion #16 To approve the Queen Anne's County requests as presented.

Motion: Huffman Second: Cosgrove  
Status: Approved

I. WASHINGTON COUNTY (Michelle)

1. 21-19-02 Horst, John A. & Linda F. & Brent E. & Mary E. ~119+ acres

Request to approve the inclusion of a 2.32 acre forest conservation easement

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area within the property that will be included in the MALPF easement for no compensation.

2. 21-19-03 Horst, Keith & M. Roseanne & John & Linda ~173+ acres

Request to approve the inclusion of a 20.49 acre conservation reserve enhancement program easement area within the property that will be included in the MALPF easement for no compensation.

3. 21-19-06 Houser, Page A. & Ronda L. ~151+ acres

Request to approve the inclusion of a 1.6 acre forest conservation easement area within the property that will be included in the MALPF easement for no compensation.

In addition, request is to approve the application and acknowledge the existence of the farm stand, allowing the farm stand to maintain the existing footprint, parking included. If/when the owners desire to expand the farm stand/parking area, or venture into any other agritourism activities or other permitted use operation(s), the MALPF policies and regulations will apply to the operation as a whole, including the farm stand at that time. Prior to the establishment of the easement, if the owners want to ensure that the farm stand operation, or other county permitted commercial use (non-residential), may continue or expand on the premises, the owner can designate a permitted uses envelope, unpaid, where county-permitted uses may occur without MALPF approval.

4. 21-19-07 Jean E. Izer Revocable Living Trust ~127+ acres

Request is to approve the application withholding ~20 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create one future residential lot.

In addition, request to approve the inclusion of a 4.02 acre forest conservation easement area within the property that will be included in the MALPF easement for no compensation.

5. 21-19-09 Long, Brooks L. & Katherine L. ~157+ acres

Request to approve the inclusion of a ~20 acre conservation reserve enhancement program easement area within the property that will be included in the MALPF easement for no compensation (CREP easement anticipated closing by August 31<sup>st</sup>).

In addition, request approval to designate a ~5 acre non-subdivideable permitted uses envelope, including access, for the owner to pursue establishing an events destination facilities. If the area was no longer used for hosting events, the area could be used for other non-residential, commercial operations that are permitted by the county.

6. 21-19-12 Seibert, Mark & Clare ~71+ acres

There are existing solar panels on the property, used to provide energy for the agricultural operation. Request acknowledgement the existing solar panels, allowing them to be maintained and replaced as needed. If the owner wants to install additional solar panels, must comply with MALPF policy at that time.

Motion #17 To approve the Washington County requests as presented.

Motion: Brogan Second: Yerkes  
Status: Approved

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J. ALLEGANY COUNTY

1. 01-19-01 Kisamore 63.57 acres

Request is to approve the application withholding ~1.22 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create one future residential lot as well as to maintain the unrestricted uses of granary and machine shed located in the area.

2. 01-19-02 Hartley 137.64 acres

Request is to approve the application withholding ~2.0 acres from the easement with 1 development right associated. A portion of the withheld acreage will be joined with an already existing residential lot, with the remainder for the ability to create one future residential lot.

Motion #18 To approve the Allegany County requests as presented.

Motion: Brogan Second: Yerkes  
Status: Approved

K. CAROLINE COUNTY

1. 05-19-01 Clopper 140.90 acres

Request is to approve the application withholding ~20 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create two future residential lots on the opposite side of a public road from the easement application property.

Motion #19 To approve the Caroline County request as presented.

Motion: Oberg Second: Brogan  
Status: Approved

**VI. PROGRAM POLICY**

A. Water Resources Overlay Policy Review

Ms. Cable introduced the item, summarizing the proposed changes to the policy. The draft policy is provided to the Board for review this month, will be sent out to the counties to obtain their input and that of their local ag boards. The proposed policy will be brought back to the Board in September, summarizing any comments or suggested changes provided by the counties, for the Board to review.

Mr. Mason brought up the point that it seemed unfair to farmers that had already entered into an easement of some types before MALPF, when applying to MALPF the already encumbered acres could not be included in the compensation from MALPF. However, if a farmer entered the MALPF easement program first, they would be eligible to pursue an additional overlay easement and receive additional payment for that easement, such as the stream buffer easements. Ms. Cable acknowledge the situation as accurate, but stated that MALPF cannot pay for already encumbered acres, as they did not have any value to assess. However, if any change were to be made on how MALPF governed the payment or reimbursement of the already encumbered acres, it would require legislative action.

**VII. INFORMATION AND DISCUSSION**

A. News Articles (via e-mail only)

**VIII. CLOSED SESSION**

Mr. Calkins 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): (3) to

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consider the acquisition of real property for a public purpose and matters directly related to the acquisition; (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 #20: To adjourn the regular session at 11:59 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Oberg    Second: Jones  
Status: Approved

The Closed Meeting of the Board was held from 12:00 pm to 12:09 p.m. on August 28, 2018, at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

- (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
- (7) to consult with counsel to obtain legal advice; and
- (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

During the Closed Meeting, the following Board members were present: Michael Calkins, Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Susanne Brogan, representing Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Taylor Huffman, Bernard Jones, Tom Mason, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: William Allen and Ralph Robertson

The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture and Nancy Forrester, Assistant Attorney General, Maryland Department of General Services.

**TOPICS DISCUSSED:**

- A. Approval of July 24, 2018 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Withdrawal of St. Mary's County Easement Offers

Respectfully Submitted:

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Michelle Cable, MALPF Executive Director