MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES March 28, 2017

Trustees Present:

Bernard L. Jones, Sr., Chair Michael Calkins, Vice Chair William Allen Catherine Cosgrove Ralph Robertson Jerome Klasmeier, representing Comptroller Peter Franchot Donald Moore Dan Rosen, representing Secretary Wendi Peters, Maryland Department of Planning Joe Wood James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture Tom Mason Milly Welsh

Trustees Absent:

William Allen Susanne Brogan, representing Treasurer Nancy Kopp

Others Present:

Wavne McGinnis, Baltimore County Landowner Harriet McGinnis, Baltimore County Landowner Kaylee Justice, Baltimore County Staff Deborah Bowers, Carroll County Program Administrator Jeremy Criss, Montgomery County Staff Steve O'Connor, Cecil County Program Administrator Brian Baker, Harford County Landowner Matt, Teffeau, MDA Director of Government Relations Anne Bradley, Frederick County Program Administrator Michelle Cable, MALPF Administrator Diane Chasse, MALPF Administrator Tamekia Dent, MALPF Office Secretary Justin Hayes, Assistant Attorney General, Department of Agriculture Nancy Forrester, Assistant Attorney General, Department of General Services Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator Chana Kikoen Turner, MALPF Administrator Amanda Wilson, MALPF Fiscal Specialist

Others Present By Web Conferencing:

Keeve Brine, Baltimore County Planning & Zoning Debbie Herr-Cornwell, Caroline County Program Administrator Martin Sokolich, Talbot County Program Administrator Bill Amoss, Harford County Program Administrator Donna Landis-Smith, Queen Anne's County Program Administrator Ethan Strickler, Frederick County Staff Donna Sasscer, St. Mary's County Program Administrator Joseph Wiley, Baltimore County Planning & Zoning

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Bernard L. Jones, Sr., Chair, called the meeting to order at 9:05 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from February 28, 2017.

Motion #1: To approve minutes from February 28, 2017.

Motion:	Tom Mason	Second: Ralph Robertson
Status:	Approved	

II. ADDITION / DELETION OF AGENDA ITEMS

Item VI.C. Update on Uses Policy was deleted from the agenda.

III. ANNOUNCEMENTS

There were no announcements.

IV. EASEMENT AMENDMENTS

A. BALTIMORE COUNTY:

03-80-06A McGinnis, Wayne & Harriet ~479 acres

Request:

Request retroactive approval to agriculturally subdivide the property into a ~259 acre parcel and a ~218 acre parcel.

Recommendation:

Staff recommends approval, subject to the following conditions:

- 1. The regulatory conditions;
- 2. That the indicated pre-existing dwelling on each subdivided parcel becomes nonsubdividable (owners included this in their application);

3. That the three separate tax accounts that make up Tax parcel 58 be consolidated into a single tax account; and

4. That each corrective easement specify the permitted family lots allowed (one owner and three child lots, if not previously taken).

Ms. Cable introduced the item. Mr. and Mrs. McGinnis, Ms. Justice, and Mr. Criss were available for any questions or comments. Mr. Criss was the Baltimore County Program Administrator at the time the McGinnis easement established. He provided the Board with contextual history of the MALPF Program and the easement offers in the early 1980s.

Mr. McGinnis provided two handouts to the Board members with information regarding their easement property. The discussion primarily focused on the regulatory requirement of providing a survey when subdividing an easement property. The Board understood that this could be a significant expense and asked Mr. Hayes to address the regulatory requirements associated with subdivisions. Mr. Hayes quoted the regulation, which states that upon retroactive subdivision approval, a survey shall be provided. Mr. & Mrs. McGinnis insisted that they should not be required to procure new survey work. Ms. Cable stated that the owners could avoid all subdivision requirements by transferring the fee simple title of the parcels back to identical ownership, as it was when the easement was established. Mr. & Mrs. McGinnis stated that was not an option for them.

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Beyond the survey, Mr. & Mrs. McGinnis also stated that they were not agreeable to combining the tax parcels (condition #3 above). Mr. Hayes again provided the Board the language from the corrective easement regulation that addresses merging tax parcels or accounts into a single one when completing corrective easements.

The landowners withdrew the request so that they can consult with a surveyor to determine options available to meet the survey requirements of the regulation.

B. CECIL COUNTY

1. 07-91-03 Lapp, Daniel & Sadie

Request:

Request the release of one acre surrounding a pre-existing dwelling as a non-subdividable building envelope.

Recommendation:

Staff recommends approval, with the following conditions:

- 1. The non-subdividable building envelope be memorialized through an easement amendment (which will also correct an error in the original easement regarding the number of dwellings existing at the time of the easement); and
- 2. The school house to be located within the building envelope may never be converted to any other non-agricultural commercial use or an additional dwelling structure.

Ms. Cable introduced the item. Mr. O'Connor was available for any questions or comments.

Motion #2:	To approve the request to exclude one acre from the easement, surrounding a pre-existing dwelling as a non-subdividable building envelope with the staff recommended conditions that the building envelope be memorialized through an amendment and the school house may never be converted to any other non- agricultural commercial use or to a residential use.

Motion:	Cathy Cosgrove	Second:	Michael Calkins
Status:	Approved		

VI. PROGRAM POLICY

A. Legislative Update

Ms. Turner presented the Board with an update of current bills affecting MALPF.

- B. Rural Legacy Easements
 - 1. Rural Legacy File No. 11,948 D Hege, Marlin ~47.5 acres

Request:

Request conveyance of all of MALPF's interest as Co-grantee under the terms of a Deed of Easement to the Department of Natural Resources.

<u>Recommendation:</u> Staff recommends approval.

Ms. Turner presented the item. Ms. Bowers was available to answer questions.

Ms. Turner advised the Board that this is a Rural Legacy easement co-held by Carroll County and MALPF. Carroll County and Rural Legacy approve the request, however, there are differing procedural requirements between the County, Rural Legacy and MALPF. In order to accommodate Mr. Hege's request, Ms. Turner recommended that MALPF assign its interest in the easement to DNR. Ms. Bowers stated that the County

~74.5 acres

supports this recommendation.

Motion #3:	grantee under the	To approve the request to convey MALPF's interest as Co- grantee under the terms of the Hege Deed of Easement to the Department of Natural Resources.	
Motion:	Milly Welsh	Second: Don Moore	

2. Rural Legacy Easements – Conveyance of MALPF's interests in all Rural Legacy Easements to the Department of Natural Resources

Approved

Request:

Request conveyance of MALPF's interest in all Rural Legacy Easements to the Department of Natural Resources

<u>Recommendation:</u> Staff recommends approval.

Status:

Ms. Turner presented the item. Staff's recommendation is based on the philosophical and procedural differences between the Rural Legacy Program and MALPF.

Motion #4: To approve the request to convey MALPF's interest in all Rural Legacy Easements to the Department of Natural Resources

Motion:	Milly Welsh	Second: Michael Calkins
Status:	Approved	

VII. INFORMATION AND DISCUSSION

A. News Articles

VIII. CLOSED SESSION

Mr. Jones 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 # 5:	To adjourn the regular session to move into a closed session to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.
	lingation.

Motion:	Milly Welsh	Second: Cathy Cosgrove
Status:	Approved	

The Closed Meeting of the Board was held from 11:10 a.m. to 11:20 a.m. on March 28, 2017 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):

(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, Vice-Chair, Cathy Cosgrove, Jim Eichhorst, Milly Welsh, Tom Mason, Jerome Klasmeier, representing Comptroller Peter Franchot, Donald Moore, Ralph Robertson, Dan Rosen, representing Secretary Wendi Peters, Maryland Department of Planning, and Joe Wood. 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 February 28, 2017 Closed Session Minutes
- B. Status Report of Pending Legal Issues.

Respectfully Submitted:

Carol S. West, MALPF Executive Director