

MALPF Board Open Meeting Minutes November 22, 2016

II. ADDITION / DELETION OF AGENDA ITEMS

Addition of Item VI.B – Request to Disclaim a Bequest – Beverly Seeley Estate

III. ANNOUNCEMENTS

Ms. West informed the Board a new member, Joe Wood of St. Mary's County, has been appointed to the Board. Mr. Wood's appointment completes the Board's roster.

Mr. James Wallace is retiring effective November 30. Mr. James Eichhorst will become Ms. West's supervisor effective December 1, 2016 and will remain as Secretary Joe Bartenfelder's designee to serve on the Board.

IV. EASEMENT AMENDMENTS

A. BALTIMORE COUNTY

1. 03-82-03A2e Linden Springs Farm, LLC (Judd Thomas) ~111.5 acres

Request –Baltimore County:

Request to relocate a pre-existing dwelling as a non-subdividable building envelope.

Recommendation:

Staff recommends approval in accordance with COMAR 15.15.04, subject to the following conditions: 1) the new dwelling being non-subdividable from the easement property, and 2) execution of a written agreement memorializing the relocation approval and conditions.

Ms. Cable introduced the item. Ms. Justice was available via the Go-To-Meeting option for any questions or clarifications.

Motion #2: To approve the request to relocate a pre-existing dwelling as a Non-subdividable building envelope.

Motion: Michael Calkins Second: James Wallace
Status: Approved

B. CAROLINE COUNTY

- 1) 05-80-02 Walsh, James "JOK" and Quentin ~261.5 acres
State Highway Administration (SHA) road improvement project – condemnation of a portion of easement property

MD 404 Road Widening Project (Caroline County):

Staff presented an outline of the road widening project for informational purposes only, as it affects the Walsh easement property. SHA is making road improvements on MD 404, a part of the project occurring in Caroline County. The portion of the project affecting the easement property consists of a combination of non-contiguous fee-simple strips of land and non-contiguous areas for temporary construction easements over MALPF easement property.

Ms. Turner introduced the item for information only. Ms. Herr-Cornwell was available for questions or comments.

C. FREDERICK COUNTY

- 1) 10-82-12 Wiles, Kenneth, Jr. and Keith, Sr. ~239 acres

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Request –Frederick County:

Request approval for a tenant house for Keith Wiles, Jr.

Recommendation

Staff recommends approval of a tenant house for Keith Wiles, Jr.

Ms. Chasse introduced the item. Mr. Martz, representing the Wiles family, was available for questions or comments.

Motion #3: To approve the request for a tenant house for the use of Keith Wiles, Jr.

Motion: Michael Calkins Second: Milly Welsh
Status: Approved

2) 10-82-12 Wiles, Kenneth, Jr. and Keith, Sr. ~239 acres

Request - Frederick County:

Request for approval to relocate a pre-existing dwelling out to the road. If the previous tenant house request is approved, then the dwelling that Keith Wiles, Jr. lives in becomes a tenant house and it's "pre-existing dwelling status" is relocated to the tenant dwelling along the road, which Keith Wiles, Sr. currently lives in.

Recommendation:

If the tenant house request is approved, then the pre-existing dwelling right can be relocated out to the road with Foundation approval per COMAR 15.15.03.05.

Ms. Chasse introduced the item. Mr. Martz was available for any questions or comments. There was discussion about whether the Amendment should remove the right to request termination. The landowners, as represented by their attorney, were not in favor of it.

Motion #4: To approve the request to relocate a pre-existing dwelling. This approval does not include removal of the right to request termination.

Motion: Michael Calkins Second: Jerry Klasmeier
Opposed: Tom Mason, Don Moore, Milly Welsh
Abstained: Susanne Brogan
Status: Approved

D. HARFORD COUNTY

1) 12-80-01 Island Branch Farm, LLC (Michael Birch) ~143 acres

Request - Harford County:

Request for approval to rescind previously-approved 9.3 acre agricultural subdivision.

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Mr. Amoss was available for questions or comments. There was no discussion.

Motion #5: To approve the request to rescind a previously-approved 9.3 acre agricultural subdivision.

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Motion: Don Moore Second: Milly Welsh
Status: Approved

E. WORCESTER COUNTY

- 1) 23-01-02 Moore, John and Lynda ~185.179 acres

Request - Worcester County:

Request for approval to release one acre around a pre-existing dwelling that will be non-subdividable from the easement. (This can be documented by an Amended Deed of Easement that permits a building envelope.)

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. The Board discussed whether it should permit the release of the one acre, but determined that it was the right of the landowners.

Motion #6: To approve the request for release of one acre around a pre-existing dwelling. Approval to be documented by an Amended Deed of Easement that permits a building envelope.

Motion: Bill Allen Second: Milly Welsh
Status: Approved

V. EASEMENT PETITIONS

N/A

VI. PROGRAM POLICY

A. Baltimore County Ranking Formula Update

Ms. Cable presented the item. Ms. Justice was available via the Go-To-Meeting option for any questions or clarifications

Motion #7: To approve Baltimore County's request to update their ranking system. Changes to the ranking system are to apply to the FY 2017 easement acquisition cycle applicants.

Motion: Milly Welsh Second: Jerry Klasmeier
Status: Approved

B. Request to Disclaim a Bequest – Beverly Seeley Estate

Ms. Beverly B. Seeley passed away on June 11, 2014. In her Living Trust, she directed that upon her death, a 1/3 share of any remaining assets in the Trust, be distributed to each of 1) the P.H. Beavers and Grace Burgee Beavers Memorial Scholarship Endowment with the University of Maryland College Park Foundation, Inc., 2) Hospice of Prince George's County (now merged with The Hospices of the National Capital Region, located in Virginia) and 3) the Maryland Agricultural Land Preservation Foundation. It appears that Ms. Seeley, or her attorney, believed that the Foundation is a charity like the other two beneficiaries.

Staff originally thought that only cash from Ms. Seeley's estate was to be distributed. Upon discovering that small lots of real property located in Virginia constituted part of the bequest, staff, with legal advice, requested that the properties be sold and that any cash from the sale be distributed among the three beneficiaries. This avenue was pursued since the Foundation does not have the resources to maintain property in Virginia. The three beneficiaries agreed to this course of action and on August 24, 2016 William Haugh, First Vice President with SunTrust Bank the Trustee of the Beverly B. Seeley Living Trust, received our written approval to list and sell the lots 'by any means necessary'.

