

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
March 27, 2018**

Trustees 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
William Allen
Catherine Cosgrove
Taylor Huffman
Bernard L. Jones, Sr.
Tom Mason
Ralph Robertson
Joe Wood
J. Bruce Yerkes

Trustees Absent:

Others Present:

Michelle Cable, MALPF Lead Administrator
Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Tamekia Dent, MALPF Office Secretary
Carol S. West, MALPF Executive Director
Justin Hayes, Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Katrina Tucker, Kent County Program Administrator
Olin Davis, Kent County Landowner
Allen Davis, Kent County Landowner
Donna Landis Smith, Queen Anne's County Program Administrator
Jeanine Nutter, Prince George's County Program Administrator

Others Present By Phone Conferencing:

None

Mr. Calkins, Chair, called the meeting to order at 9:03 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from February 27, 2018.

Motion #1: To approve minutes from February 27, 2018.

Motion:	Wood	Second:	Klasmeier
Abstained:	Brogan		
Status:	Approved		

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable requested the Board to establish a new committee to review the Stream and Wetland Easement Overlay Policy. Since the Policy was established and requests have been submitted based on the criteria, some issues have risen that should be addressed. Mr. Allen and Mr. Yerkes volunteered to be the Board representatives on the committee, with Mr. Allen serving as chair. Ms. Cable will send out request to county administrators for volunteers.

Ms. West reminded the Board that the position of Vice Chair needs to be filled and that the at-large members are eligible. Ms. West will send a reminder e-mail to the Board members asking for volunteers with the decision to be made at the April Board meeting.

Ms. West informed the Board that no new approval offers for the FY 2017/2018 application cycle will be requested and therefore requested the cycle to be officially closed.

Motion #2: To close the FY 2017/2018 easement application cycle.

Motion:	Allen	Second:	Jones
Status:	Approved		

IV. EASEMENT AMENDMENTS

A. KENT COUNTY

1. File #14-97-03 Olin Davis, Jr. ~295 acres

Request:

(1) Request approval of the release of an additional .5 acre surrounding a pre-existing dwelling, and in conjunction therewith,

(2) Request approval of ~3.5 acres to be released from the easement in exchange for ~5.096 acres adjacent to the easement property together with 1 development right to be added to the easement. The development right shall be a 1.0-acre non-subdividable building envelope.

Recommendation:

Staff recommends approval of the release of an additional .5 acre for the –pre-existing dwelling lot pursuant to Article – Agriculture – Annotated Code of Maryland, §§ 2-513 (6) and (7).

Staff recommends approval of the land exchange, as it meets all criteria of COMAR 15.15.11.03 C.

As part of the land exchange, Staff also recommends approval of the transfer of a development right from the adjacent poultry farm to the easement property. The

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development right will be transferred to the easement property as a 1.0-acre non-subdividable building envelope, ensuring that the easement property will always have a house associated with it. Kent County supports the prospect of associating a non-subdividable house right to the easement property in perpetuity.

Ms. Turner introduced the item. Ms. Tucker and Messers. Davis were available to address the Board.

- Motion #3: (1) Approve the request to the release of an additional .5 acre surrounding a pre-existing dwelling; the area of release totaling 1.5 acres.
 (2) Approve the request of ~3.5 acres to be released from the easement in exchange for ~5.096 acres adjacent to the easement property together with 1 development right to be added to the easement. The development right shall be a 1.0-acre non-subdividable building envelope. In addition, a declaration of restrictions will be recorded that will extinguish an additional 5 development rights on the adjacent property, with 2 development rights remaining

Motion: Mason Second: Allen
 Status: Approved

B. CARROLL COUNTY

- Item withdrawn.

C. HARFORD COUNTY

- File #12-79-02 Richardson, James & Barbara ~208 acres

Request:
 Request approval for a tenant house for currently existing pre-existing dwelling.

Recommendation:
 Staff recommends approval of a tenant house.

Ms. Chasse introduced the item.

- Motion #4: To approve the request to designated the existing pre-existing dwelling as a tenant house.

Motion: Jones Second: Oberg
 Status: Approved

- File #12-79-02 Richardson, James & Barbara ~208 acres

Request:
 Request to re-designate a previously approved tenant house located in the middle of the farm as a pre-existing dwelling, assuming the smaller pre-existing dwelling currently occupied by the tenant, Ms. Wright, is approved as a tenant house.

If the previous tenant house request (Agenda Item IV.C.1) is approved, then the pre-existing dwelling that Ms. Wright/tenant currently lives in becomes a tenant house and request is hereby made that it's "pre-existing dwelling status" be assigned to another dwelling in the middle of the farm (this dwelling is the previously approved tenant house).

Recommendation:
 If the new tenant house request (Agenda Item IV.C.1) is approved, then the pre-existing dwelling right can be assigned to the previously approved tenant house.

Staff requests approval because an exchange will redesignate the larger house as a pre-existing dwelling, which permits the Richardsons to live in that house. Staff recommends

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Ms. Chasse introduced the item. The landowner requested the change.

Motion #8: To approve the request change the location of the proposed building envelope.

Motion: Cosgrove Second: Jones
Status: Approved

VI. PROGRAM POLICY

A. Queen Anne's County Recertification

Request:

To approve the Queen Anne's County request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Cable and Ms. Herr Cornwell introduced the item. Ms. Landis Smith was available for comments or questions.

Motion #9: To approve Queen Anne's County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Jones Second: Cosgrove
Status: Approved

B. Withdrawn

C. Withdrawn

D. Withdrawn

E. Frederick County Recertification

Request:

To approve the Frederick County request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Chasse and Ms. Herr Cornwell introduced the item

Motion #10: To approve Frederick County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Huffman Second: Oberg
Status: Approved

F. Legislative Update

Ms. Turner provided the Board with an update of the legislation of interest to the Foudnation for the 2018 General Assembly.

VII. INFORMATION AND DISCUSSION

N/A

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): (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 #12: To adjourn the regular session at 9:55 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

