

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
September 25, 2018**

Trustees Present:

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

Trustees Absent:

Others Present:

Michelle Cable, MALPF Executive Director
Diane Chasse, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Justin Hayes, Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Jeanine Nutter, Prince George's County Program Administrator
Bill Gorski, Anne Arundel County Planner
Donna Sasscer, St. Mary's County Program Administrator
Lorraine Brewer, St. Mary's Landowner
Rick Brewer, St. Mary's Landowner
Mary Wood, St. Mary's Landowner

Others Present By Phone Conferencing:

Wally Lippincott, Baltimore County Program Administrator
Charles Rice, Charles County Program Administrator
Beth Groth, Charles County Planning & Zoning
Dawn Leung, Baltimore County Landowner
Dr. Leung, Baltimore County Landowner
Ron Marney, Calvert County Program Administrator
Amy Moredock, Kent County Program Administrator
Martin Sokolich, Talbot County Program Administrator
Donna K. Landis Smith, Queen Anne's County Program Administrator

Mr. Calkins, Chair, called the meeting to order at 9:06 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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the pre-existing dwelling. Mrs. Leung stated that was acceptable and would not hinder the operation.

Motion #2: To approve the request to conduct an equine and canine therapy program on the farm, and to hold an annual fall festival, with staff recommended conditions.

Motion: Wood Second: Allen
Status: Approved

B. ST. MARY'S COUNTY

1. 18-81-04 Boyd Noonan Farm LLC ~186 acres

Request – St. Mary's County:

Request approval for agricultural subdivision of MALPF-eased property into a 136-acre parcel and a 50-acre parcel.

Recommendation:

Staff recommends approval, subject to each pre-existing dwelling (one documented at the time the easement was purchased, and one undocumented) being non-subdivideable from their respective parcels.

Ms. Chasse introduced the item. Ms. Brewer was available to address the Board.

Motion #3: To approve the request for an agricultural subdivision of the property into a 136-acre parcel and a 50-acre parcel, with staff recommended conditions that each parcel will have one non-subdivideable pre-existing dwelling right.

Motion: Cosgrove Second: Wood
Status: Approved

C. FREDERICK COUNTY

1. 10-01-02 Thompson, Franklin and Pamela ~138.5 acres

Request – Frederick County:

Re-approve two family lots – one for the owners and one for their son, Phillip.

Recommendation:

Staff recommends approval, subject to the condition that the lot shown as #2 on the aerial photograph is the next one to be built.

Ms. Chasse introduced the item. The Board discussed the configuration of lots 2 and 3 and potential challenges for the owner of the farm.

Motion #4: To re-approve two family lots, one owner and one child lot for their son Philip, with the condition that Lot 2 must be constructed prior to Lot 3.

Motion: Cosgrove Second: Allen
Opposed: Robertson
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. CHARLES COUNTY

1. 08-19-02 Blake, Paco & Linda ~61.987 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 future

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residential lot.

2. 08-19-03 Bowling, Charles B. Jr & Lynn F. ~180 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 future residential lot.

3. 08-19-06 G. Croft, LLC ~98.3318 acres

Request is to approve the application withholding 7.0 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create two future residential lots.

4. 08-19-08 Mt. Tirzah Family Ltd Partnership ~210 acres

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

5. 08-19-09 Pomon Key Point Farm, LLC ~213.64 acres

Request is to approve the application withholding 13.0 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create three future residential lots as well as a lot line adjustment with an adjacent parcel.

6. 08-19-10 Grimes, Kevin M. & Redding, Linda E. ~59.6078 acres

Request is to approve the inclusion of 17.77 acres in the easement which are already eased by a forest conservation easement. No compensation will be paid for the 17.77 acres, however, the easement will cover that acreage.

Motion #5: To approve the Charles County requests as presented.

Motion: Wood Second: Cosgrove
Status: Approved

B. BALTIMORE COUNTY

1. 03-19-02 Campbell, Kevin P. ~102 acres

Request approval to designate a ~3 acre non-subdivideable permitted uses envelope for the owner to pursue establishing winery/tasting room with related facilities/events. If the area was no longer used for the winery/tasting room/related facilities/events operation, the area could be used for other non-residential, commercial operations that are permitted by the county. The access to the area will be delineated but is not required to be included in the 3-acre area as long as it is also used for other agriculturally related uses.

2. 03-19-10 Rush, William & Maryann ~95.711 acres

Request is to approve the inclusion of 19.655 acres in the easement which are already eased by a forest conservation easement. No compensation will be paid for the 19.655 acres, however, the easement will cover that acreage.

Motion #6: To approve the Baltimore County requests as presented.

Motion: Cosgrove Second: Wood

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Status: Approved

C. ST. MARY'S COUNTY

1. 18-19-01 Wood, John G. ~108.71 acres

Request is to approve the application withholding 1.5 acres from the easement with 1 development right associated. Withheld acreage is for a lot surrounding an existing dwelling.

2. 18-19-03 Reeves, Stephen & George ~155 acres

Request is to approve the application withholding 5.0 acres from the easement with 1 development right associated. Withheld acreage is for a future dwelling.

3. 18-19-04 Dement, Everett L. ~153.5 acres

Request is to approve the application withholding 13.0 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a future residential lot.

4. 18-19-10 Skunda, James & Kathleen ~110 acres

Request is to approve the application withholding 25.43 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create three future residential lots and to withheld an ~1 acre access ROW for adjacent lot.

Motion #7: To approve the St. Mary's County requests as presented.

Motion: Jones Second: Cosgrove
Status: Approved

VI. PROGRAM POLICY

- A. Withdrawn
- B. Deed of Easement template changes FY 2019

Ms. Cable presented the item, sharing with the Board of the three new easement paragraphs that will be included in the form of easement beginning with the FY 2019 easement application cycle.

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): (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 #8: To adjourn the regular session at 9:56 a.m. 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.

Motion: Jones Second: Cosgrove
Status: Approved

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The Closed Meeting of the Board was held from 9:58 a.m. to 10:30 a.m. on September 25, 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):

(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 Secretary Robert McCord, Maryland Department of Planning, Julie Oberg (via phone), representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, William Allen, Cathy Cosgrove, Taylor Huffman, Bernard Jones, Tom Mason, Ralph Robertson, Joe Wood, and J. Bruce Yerkes.

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

TOPICS DISCUSSED:

- A. Approval of August 28, 2018 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Consult with Attorney on Calvert County Property regarding potential Legal Action

Respectfully Submitted:

Michelle Cable, MALPF Executive Director