MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES JULY 24, 2018

Trustees Present:

Michael Calkins, Chair William Allen, Vice-Chair Jerome Klasmeier, representing Comptroller Peter Franchot Susanne Brogan, representing Treasurer Nancy Kopp (via phone) Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning Taylor Huffman Bernard L. Jones, Sr. Tom Mason Joe Wood J. Bruce Yerkes

Trustees Absent:

Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture Catherine Cosgrove Ralph Robertson

Others Present:

Michelle Cable, Executive Director Chana Turner, MALPF Administrator Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator Tamekia Dent, MALPF Office Secretary Justin Hayes, Assistant Attorney General, Department of Agriculture Patrick Martyn, Assistant Attorney General, Department of General Services Steve O'Connor, Cecil County Program Administrator Billy Gorski, Anne Arundel County Planner Jeanine Nutter, Prince George's County Program Administrator Deborah Bowers, Carroll County Program Administrator Lloyd Stanley Yeakel, Carroll County Landowner Susan Yeakel, Carroll County Landowner

Others Present By Phone Conferencing:

Susanne Brogan, representing Treasurer Nancy Kopp Amy Moredock, Kent County Program Administrator Beth Groth, Charles County Planner Tim Beadell, RES, representing Mr. Willard, Montgomery County Landowner

Mr. Calkins, 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 June 26, 2018.

Motion #1: To approve minutes from June 26, 2018.

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

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable informed the Board that there were 191 applications submitted for the FY 2019 easement application cycle. MALPF staff is working diligently to review the applications to submit them to DGS as expeditiously as possible, with the goal of 50% of the applications to DGS by July 31st with the remainder by August 31st.

IV. **EASEMENT AMENDMENTS**

- Α. CARROLL COUNTY
 - Jean Yeakel 1. File #06-99-17 ~58.45 acres

Request –Carroll County:

Request approval to release up to 2.0 acres for a child lot for Lloyd Stanley Yeakel III.

Recommendation:

Staff recommends approval, subject to access being provided by the existing farm lane.

Ms. Turner introduced the item. Ms. Bowers. Mr. Yeakel, and Mrs. Yeakel were available to address the Board. Ms. Turner expressed concern over the landowners' preferred access to the proposed lot. Ms. Turner advised the Board that there is an existing farm lane off of Leisters Church Road that leads directly to the proposed lot. The landowners' preferred access off of Chazadale Way would 1) create a thoroughfare from Chazadale Way to Leisters Church Road; and 2) negatively impact the farming operation by taking tillable land out of production to create the access from Chazadale Way. Mr. Yeakel and Ms. Bowers advised the Board that the impact to the farming operation would be minimal.

Motion #2: To approve the request to exclude up to 2.0 acres from the easement for a child's lot for Lloyd Stanley Yeakel, III, with the access to the lot in the location requested by the landowner, which may be either a fee simple access or a right-of-way over the lane.

Motion:	Jones	Second:	Yerkes
Status:	Approved		

Β. WITHDRAWN

C. MONTGOMERY COUNTY

William & Ann Willard ~268.5 acres 1. File #15-97-01

Request - MALPF Staff:

Request approval of an ~8-acre increase in the area of the stream mitigation overlay easement to a total of 28.178 acres (~10% of property).

Recommendation: Staff recommends approval.

Ms. Cable introduced the item. Mr. Beadell was available to address the Board.

Motion #3:	To approve the rec mitigation overlay ea		the area of the strear of 28.178 acres.	n
Motion: Status:	Allen Approved	Second:	Klasmeier	

D. CHARLES COUNTY

1.	File #08-81-01C	Serenity Farm, Inc.	~222.755 acres
		(Robinson)	

Request – Charles County:

To approve the relinquishment of Robert D. Robinson's child lot that has been preliminarily released and merge the lot back into the easement property and ownership.

Recommendation:

Staff recommends approval, with the following actions to document:

- 1. Fee simple ownership of lot (Lot G on plat) be transferred to Serenity Farm Inc., and
- 2. Merge tax parcel of Lot G into the Serenity Farm Inc. tax parcel 27.

Ms. Cable introduced the item. Ms. Groth was available to address the Board.

Add any additional information here.

Motion #4:	To approve the request to relinquish the child's lot for Robert D.
	Robinson's and merge back into the easement property.

Motion:	Jones	Second:	Wood
Status:	Approved		

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

- Α. SOMERSET COUNTY
 - 1. 19-19-01 Dumsha, Gerard and Donna ~238.8 acres

Request is to approve the application withholding the commercial sand and gravel mining area of ~ 5.25 acres from the easement with 0 development rights associated with it. The area, and access to it, may either be a traditional withheld area or a designated non-subdivideable, permitted use envelope within the easement. In addition, approving the eligibility of the application based on the extraordinary productivity of the soils of the property (almost 100% qualifying soils) given that a portion of the property is located in water and sewer district.

Motion #5: To approve the request as as a non-subdivideable permitted uses envelope.

Motion:	Wood	Second: Jones
Status:	Approved	

B. WORCESTER COUNTY

1. 23-19-07 Shockley, Samuel and Brenda

~163.336 acres

Request is to approve the application withholding two separate areas. The first is 64.164 acres of a Wetland Reserve Enhancement Program easement from the easement with 0 development rights associated. The second area is 1.5 acres that is located across a public road from the rest of the application property with 0 development rights associated with it. It will have a declaration of restrictions on it.

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Motion #6: To approve the request as presented.

Motion:	Jones	Second:	Mason
Status:	Approved		

C. FREDERICK COUNTY

1. 10-19-05 R&S Properties, LLC ~218.418 acres Request is to approve the application withholding 1.862 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a residential lot surrounding existing dwelling (currently in process of subdivision at county level).

Motion #7: To approve the request as presented.

Motion:	Jones	Second: Mason
Status:	Approved	

VI. PROGRAM POLICY

- A. Cecil County Recertification
 - Request:

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

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

Motion #8:	To approve Cecil County's request for recertification for the
	period July 1, 2018 through June 30, 2021.

Motion:	Jones	Second:	Wood
Status:	Approved		

B. Kent County Recertification

Request:

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

Ms. Turner and Ms. Herr Cornwell introduced the item. Ms. Moredock was available for comments or questions.

Motion #9:		t County's reques 8 through June 30,		tion for the
Motion: Status:	Wood Approved	Second:	Jones	

C. Permitted Uses Policy – Review of Farm Market & Roadside Stand category

Request – MALPF Staff:

MALPF staff requests the Board to review the current criteria associated with item #11, "Farm Market & Roadside Stand" category of the Permitted Uses Policy, specifically the percentage amount of the products sold that must be grown on-site.

Ms. Cable introduced the item. She informed the Board while there have been no requests before the Board asking for exceptions for this use category, there are ones pending and others have expressed concern over the "majority" percentage requirement for this use category.

Mr. O'Connor shared with the Board input from the Cecil County Agricultural Preservation Advisory Board discussion and suggestions regarding this use category. The overall

concern was the percentage requirement limited the ability of multiple farms in close proximity to pull together their products to sell at a single location on one of the properties.

The Board decided to leave the policy unchanged, with the ability to address requests on a case by case basis in the future when an exception request is presented. If and when there seemed to be a trend to address, the Board would consider a change to the policy at that time.

VII. INFORMATION AND DISCUSSION

Mr. Klasmeier asked the Board to consider allowing MALPF Staff to approve an increase of size for a stream/wetland overlay easement so in future situations, Staff will know when to bring requests back to the Board for approval.

Motion #10: To grant MALPF Staff the authority to approve an increase in a stream/wetland overlay easement size up to 25% of the acreage originally approved by the Board. Any increase greater than 25%, will require Board review and approval.

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

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 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 #11: To adjourn the regular session at 10:34 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:	Jones	Second: Allen
Status:	Approved	

The Closed Meeting of the Board was held from 10:44 a.m. to 11:08 a.m. on July 24, 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 (via phone), Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland Department of Planning, William Allen, Taylor Huffman, Bernard Jones, Tom Mason, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, 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 Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of June 26, 2018 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2019 Application Eligibility

Respectfully Submitted:

Michelle Cable, MALPF Executive Director