

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
March 22, 2016**

**Trustees Present:**

Bernard L. Jones, Sr., Chair  
Donald Moore  
Milly B. Welsh  
Michael Calkins  
Catherine Cosgrove  
James B. Norris, Jr.  
Jonathan Quinn  
Susanne Brogan, representing Treasurer Nancy Kopp  
Dan Rosen, representing Secretary David Craig, Maryland Department of Planning  
James Wallace, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

**Trustees Absent:**

Craig Highfield  
Jerome Klasmeier, representing Comptroller Peter Franchot

**Others Present:**

Michelle Cable, MALPF Administrator  
Tamekia Dent, MALPF Office Secretary  
Lori Goodman, MALPF Office Secretary  
Eileen Eagle, MALPF Fiscal Specialist  
James Eichhorst, MDA Deputy Secretary  
Nancy Russell-Forrester, Assistant Attorney General, Department of General Services  
Justin Hayes, Assistant Attorney General, Department of Agriculture  
Kim Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator  
Ed Gillis, Attorney for Daniel Schuster Baltimore County Contract Purchaser  
Wally Lippincott, Jr., Baltimore County Program Administrator  
Justin Harrison, Baltimore Landowner  
Brian Norris, St. Mary's County Landowner  
Robert Moreland, St. Mary's County Representing the Estate of Raum  
Donna Sasscer, Saint Mary's County Program Administrator  
Chana Turner, MALPF Administrator  
Carol West, MALPF Executive Director

**Others Present By Web Conferencing:**

William Amoss, Harford County Program Administrator  
Bonnie Bevard, Carroll County  
Debbie Herr-Cornwell, Caroline County Program Administrator  
Stephen O'Connor, Cecil County Program Administrator  
Michael Trentell, representing Panda Power and Mattawoman Energy, LLC

Bernard L. Jones, Sr., Chair, called the meeting to order at 9:01 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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has only been approved by the county Advisory Board. The next step for this request is for a special exception; it's a much more costly and involved process so the Harrisons have asked to get the MALPF approval first.

Since the Winery Policy guidelines are being used for this request, Ms. Brogan asked why requirement #6 under the Winery Policy guidelines, "A minimum of 3.3 acres must be planted within 5 years of approval and 4.5 acres must be planted within 10 years of approval," is not being made a requirement.

Mr. Harrison responded that they are already growing more than 3.3 acres in small grains to be used for the brewery.

Motion #2: To approve the request for a farm brewery with sales on the easement property.

Motion: Jonathan Quinn                      Second: Susanne Brogan  
Status: Approved

- 2) Rural Legacy Program ("RLP") Easement (Bk 14756, Pg 579)
  - Lydistone, LLLP (owner)                      ~104.08 acres
  - MALPF Easement 03-97-15A    Lydistone, LLLP (owner)                      ~88.195 acres
  - Daniel Schuster (contract buyer) of both properties.

Request - Baltimore County:

For the RLP Easement, the contract purchaser is requesting a two-fold approval:

- 1. an exception to delineated Permitted Building Area (PBA) to construct agricultural structures outside the PBA for a private equestrian operation; and
- 2. an amendment to the RLP Easement that revises the PBA.

Recommendation:

Staff recommends approval of the two-fold request regarding the RLP easement. Staff finds the MALPF easement proposal meets the MALPF guidelines for equestrian operations.

Ms. Cable introduced the item. Mr. Gillis and Mr. Lippincott were available for comments and questions.

Mr. Lippincott added that the Baltimore County Advisory Board does not typically deal with Rural Legacy easements. They don't do inspections of them and only reviewed this request because it had to come to the MALPF Board

Mr. Gillis stated that Mr. Schuster intends to be a good steward of the land and that the desire is to ensure that its' private equestrian use can be done lawfully. In order to do that there needs to be a slight modification to the permitted development area or building area. The equestrian facility will be used only for Mr. Schuster's private horses, not for boarding and training other people's horses under contract.

If the MALPF Board approves the request, it will be presented to the Rural Legacy Board for their review and approval. The Rural Legacy Board consists of the Secretaries of the Departments of Natural Resources, Planning, and Agriculture. The landowner needs their approval to be able to amend the easement. Next, Ms. Forrester, and probably DNR's attorneys, would work on the actual amendment to the easement document.

Motion #3: To approve the request for 1) an exception to the delineated Permitted Building Area (PBA) to construct agricultural structures outside the PBA for a private equestrian operation; and 2) an amendment to the RLP easement that revised the PBA.

Motion: Michael Calkins                      Second: Don Moore  
Status: Approved

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B. WASHINGTON COUNTY

ITEM WITHDRAWN

C. PRINCE GEORGE'S COUNTY

- 1) 16-06-03 – Cheltenham Property LLC ~87.78 acres

Request – Prince George's County:

Request approval for a land exchange to facilitate a utility right of way easement.

Recommendation:

Staff recommends approval pursuant to COMAR 15.15.11.03 C. (1)(a)-(d)

Ms. Turner introduced the item, explaining that this is a land swap of ~1.68 acres of land to be released from easement in exchange for ~2.07 acres of land to be encumbered by the terms of the easement. Ms. Welsh is a MALPF Board member and she recused herself from considering and voting on this matter prior to the Board's discussion. She, and Mr. Trentel, representing both Mattawoman Energy, LLC (Mattawoman) and Panda Power Funds (Panda), were available for questions. Mattawoman is a subsidiary of Panda. Mattawoman and Panda have been working with Ms. Welsh to come up with a positive solution for all parties on the land exchange.

Ms. Welsh added that she will continue to own the land that is coming out of the MALPF easement and will continue to treat it as she has in the past.

Because Mattawoman does not have condemnation authority, this matter is being brought before the Board of Trustees for consideration. If the Board approves the item, it will have to go to the Board of Public Works for approval.

Motion #4: To approve the request for a land exchange to facilitate a utility right-of-way easement.

Motion: James Wallace                      Second: Jonathan Quinn  
Recused: Milly Welsh  
Status: Approved

D. ST. MARY'S COUNTY

- 1) 18-13-04                      Aldridge, Betty Davis                      72.759 acres

Request

Request approval to hold up to 20 wedding events per year in an existing barn and barn yard.

Recommendation

Requests to hold wedding events require approval by the county agricultural advisory board and Foundation Staff, subject to certain criteria. One criterion is that the events be "infrequent." Staff requests that the Board of Trustees determine whether the request meets the requirement of "infrequent," taking into consideration the size, scope, duration and impact of wedding events in general relative to the size and location of the easement property.

Ms. Turner introduced the item. Mr. Brian Norris and Ms. Donna Sasscer were present for comments and questions.

Mr. Norris addressed questions from the Board. He explained to the Board which barn would be used for the events. Parking is adjacent to the barn. Access is along the long gravel drive off of MD 252. The parking area is gravel. That area does get wet sometimes and they have arranged with the local fire house to provide parking, if necessary. Those arrangements would have to be made by whoever is renting the barn. There is only one neighboring property. It is anticipated that a maximum of approximately 200 people would attend each wedding or event.

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Ms. Sasscer stated that one of the reasons that the landowner is requesting 20 events is because in St. Mary's County a landowner can have up to 20 events per year on an agricultural parcel that is above 50 acres in size without a permit. If you went above 20 events per year, the landowner would have to get a banquet facility approval and that would have to go before the Board of Appeals. They are trying to determine what MALPF's term "infrequent" means and to try to keep it consistent with the county's Zoning Board.

When asked about food and drinks for the events, Mr. Norris stated that everything would be catered. There would be no on-site food preparation.

The Board was concerned about allowing 20 events per year. What else might be affected by allowing 20 events on a property? Would the Board be setting a precedent by tying a number to this approval?

Ms. West explained that the reason the word "infrequent" was put into the Uses Policy was to give the Board discretion because every property is different. If this were a property where the barn was located dead center of all of its farm field, you might think that 20 events during the summer is excessive because that is the time to farm the land and having a non-ag use in the middle of the property would be disruptive. But having the use along the perimeter of the property might not be as disruptive. She expressed concern that the Board would make any approval on a case-by-case basis and that they would not be saying that 20 is the number that is considered to be infrequent for weddings on a property.

Mr. Norris asked if the Board could just consider what is allowed within each county.

Ms. West replied that the Board should certainly consider a number that is approved by the county, but should use the number as a guideline only.

Mr. Hayes asked the Chairman if he would approve closing the meeting to get some legal advice in a closed session. Mr. Jones agreed.

Bernard L. Jones Sr. asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provision of General Provisions Article Section 3-305 (b): (7) to consult with counsel to obtain legal advice.

Motion #5: To adjourn the regular session to move into a closed session to consult with counsel to obtain legal advice with regard to this agenda item IV.D.I.

Motion: Susanne Brogan                      Second: Michael Calkins  
Status: Approved

The Regular Session was closed at 9:59 a.m.

The Closed Session was opened at 10:02 a.m.

Motion #6: To close the closed session in order to re-open the regular session.

Motion: Jonathan Quinn                      Second: Michael Calkins  
Status: Approved

Closed Session ended at 10:28 a.m.

Regular session began again at 10:30 a.m.

Ms. Brogan asked if the letter from the County Advisory Board indicated events 'such as

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weddings'. She asked if the landowners are contemplating events besides weddings?

Mr. Norris responded that if someone wanted to have a retirement party, not commercial type events, they might be allowed. The barn has a dirt floor and is still being used for storage. It still contains stalls and they don't want to change it. Down the road, he wants to potentially put some cattle back into it. Events would be held on the first floor only. They could erect a tent, if they wanted. The only event that has happened so far was Mr. Norris' daughter's wedding. It was attended by about 165 guests. They walked through the barn, signed the guest book, and continued to a large tent.

Motion #7: To approve limiting wedding events to five per year on this property. To go beyond five wedding events per year, the landowner must come back to the Board.

Motion: Susanne Brogan Second: James Wallace  
Opposed: Milly Welsh, Catherine Cosgrove, James Norris  
Status: Approved

2) 18-86-01 Estate of Romaine Orloski Raum 157.478 acres

Request:

Request to approve up to a 2 acre lot for a child's lot for Cheryl Raum Pinkerton.

Recommendation:

Staff recommends approval.

3) 18-86-01 Estate of Romaine Orloski Raum 157.478 acres

Request:

Request to approve up to a 2 acre lot for a child's lot for Wendell Raum.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the items. Mr. Moreland, representing the estate of Ms. Raum, and Ms. Sasscer were present for comments and questions.

Motion #8: To approve the requests for two up-to-2-acre lots for children's lot for Cheryl Raum Pinkerton and Wendell Raum.

Motion: Michael Calkins Second: Jonathan Quinn  
Status: Approved

E. CARROLL COUNTY

2) 06-89-11e Reifsnider, Jon and Debra ~193.75 acres

Request:

Request to approve up to 2 acres for a child's lot for Sarah Reifsnider.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Ms. Bevard was available for comments or questions.

Ms. West pointed out that the final configuration of the lot should be such that no acreage is left orphaned by the granting of the access driveway. If necessary, the access should be a part of the lot configuration. Although Carroll County does not require that an access be in fee, and

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made a part of the lot, the Foundation and the county should assure that the area where the access is located does not remain a part of the parent easement property. This access area would be completely severed and unusable for the remainder of the property.

Ms. Bevard stated that she understands and pointed out that the lot location has not yet been perced.

Motion #9: To approve up to 2 acres for a child's lot for Sarah Reifsnider to include the access driveway and pending a successful perc test.

Motion: James Norris                      Second: Susanne Brogan  
Status: Approved

**V. EASEMENT PETITIONS**

A. none

**VI. PROGRAM POLICY**

A. Baltimore County Ranking – Revised scoring system

Baltimore County Request

Pursuant to the requirements of Agriculture Article §2-509(b), Baltimore County seeks to revise its Ranking System for MALPF applicants. The County is proposing to revise the ranking system to place more emphasis on the best farmland and to try and encourage discounting in light of the 75% FMV statutory cap.

Recommendation

Staff recommends approval.

Ms. Cable introduced the item. Mr. Lippincott was available for comments and questions.

Motion #10: To approve the request to revise the Baltimore County ranking system for MALPF applicants to place more emphasis on the best farmland and to try and encourage discounting in light of the 75% FMV statutory cap.

Motion: James Wallace                      Second: Susanne Brogan  
Status: Approved

**VII. INFORMATION AND DISCUSSION**

A. News Articles

**VIII. CLOSED SESSION**

Bernard L. Jones Sr. 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; (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 to move into a closed session to consider the acquisition of real property for a public purpose, consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Milly Welsh                              Second: James Wallace  
Status: Approved

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The Open Board Meeting was adjourned at approximately 10:50 a.m.

The Closed Meeting of the Board was held from 11:00 a.m. to 11:34 a.m. on March 22, 2016 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;
- (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: Bernard L. Jones Sr., Chair; Michael Calkins; James B. Norris, Jr.; Catherine Cosgrove; Milly B. Welsh; Donald Moore; Jonathan Quinn, Suzanne Brogan, representing Treasurer Nancy Kopp, Dan Rosen, representing Secretary David Craig, Maryland Department of Planning; James Wallace, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture.

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

TOPICS DISCUSSED:

- A. Approval of February 23, 2016 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Round 2 Offers

Respectfully Submitted:

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Lori Goodman, MALPF Secretary

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Carol S. West, Executive Director