

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION**  
**OPEN MEETING MINUTES**  
**May 22, 2018**

**Trustees Present:**

Michael Calkins, Chair  
William Allen, Vice 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, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture  
Catherine Cosgrove  
Taylor Huffman  
Bernard L. Jones, Sr.  
Tom Mason  
Joe Wood

**Trustees Absent:**

Ralph Robertson  
J. Bruce Yerkes

**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  
Billy Gorski, Anne Arundel County Assistant  
Brian Cramer, Greenvest Representative  
Barbara Polito, Anne Arundel County Program Administrator  
John Zawitoski, Montgomery County Program Administrator  
John Smith, Carroll County Program Assistant  
Donna Landis-Smith, Queen Anne County Program Administrator  
Deborah Bowers, Carroll County Program Administrator  
Jeanine Nutter, Prince George's County Program Administrator  
Heidi Lippy Sprinkle, Carroll County landowner  
Tom Filbert, Assistant Attorney General, Department of Agriculture

**Others Present By Phone Conferencing:**

Eric Seifarth, Washington County Program Administrator  
Andrea Pomilla, representing Brad Milton, Harford County landowner  
Amy Moredock, Kent County Program Administrator  
Martin Sokolich, Talbot County Program Administrator  
Alex Willis, Caroline County Program Administrator  
Bill Amoss, Harford County Program Administrator  
Jen Wilson, Harford County Program Assistant  
Wally Lippincott, Baltimore County Program Administrator

Mr. Calkins, Chair, called the Open meeting to order at 9:37 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 April 24, 2018.

Motion #1: To approve minutes from April 24, 2018.

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

**II. ADDITION / DELETION OF AGENDA ITEMS**

N/A

**III. ANNOUNCEMENTS**

Ms. West informed the Board that Foundation staff had met with Department of General Services staff to discuss an increase in workload due to returning to annual cycles and trying to add additional attorney and appraisers to accommodate the workload.

Ms. Cable informed the Board that the Stream and Wetland Policy Committee met May 3, 2018, to discuss updating/revising the Policy. It was a very productive meeting with representatives participating from the restoration field to provide expert advice and input. A revised Policy will be brought to the Board at an upcoming meeting.

Ms. Cable reminded Board members and attendees that Carol West's retirement party is on June 29<sup>th</sup> and to please R.S.V. P. to her.

**IV. EASEMENT AMENDMENTS**

A. WASHINGTON COUNTY

1. WITHDRAWN

2. 21-85-02 Antietam Meadow Farm, LLC ~448.5 acres  
(Rall, Robbins, Blumberg)

Request:

Request to exclude up to 2.0 acres from the easement for a child's lot for Sara Rall.

Recommendation:

Staff recommends approval for up to 2-acres for child's lot.

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

Motion #2: To approve up to 2.0 acres for a child's lot for Sara Rall.

Motion: Jones Second: Allen  
Status: Approved

B. BALTIMORE COUNTY

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1. 03-15-14 White, Dorothy ~304.2 acres

Request:

Request approval of a stream restoration overlay easement over ~2.38 acres (less than 1% of property).

Recommendation:

Staff recommends the Board's consideration of the overlay easement request. It is the opinion of MALPF Staff that the request has addressed the required criteria under the Policy Guidelines for Wetland Easement Overlays and Stream and Streamside Easement Overlays (the "Policy").

MALPF Staff recommends the following conditions, consistent with the previous stream restoration overlay easement requests:

1. The final overlay easement document must be approved by MALPF staff, including language acknowledging the existence of the MALPF easement;
2. This project does not include any sale of mitigation or banking credits (present or future);
3. This project does not have any impact on the agricultural operation or productive lands outside the buffer easement area;
4. Any stream crossing areas will be located and designated in the overlay easement agreement;
5. Any best management practice disturbed by the stream restoration construction shall be re-installed in the appropriate location to meet NRCS standards (for example, if there was a fence installed through a MDA cost-sharing program, the fence must be re-installed at the edge of the stream buffer); and
6. Increase the buffer width to 35 feet, to be in compliance with MDA's Nutrient Management Regulations, specifically regarding setbacks from fertilizing crops and managing animal waste. This increased buffer width will add additional acreage to the overall project, which has not been incorporated into the acreage size of the analysis of the request.
7. Within the next year, MDA's nutrient management specialists will schedule an implementation review to verify that the farmer is managing nutrients on the farm to protect water quality in compliance with the farm's nutrient management plan and meeting reporting requirements as required by regulations.
8. The contractor, Green Vest, LLC, or SHA will establish an appropriate endowment for long-term stewardship and management of the overlay easement area, subject to MALPF staff approval, or an alternative acceptable solution to ensure long-term stewardship and management needs are met.

Ms. Cable introduced the item. Mr. Lippincot and Mr. Cramer were available to address the Board. Ms. Cable reviewed the overall project that is being completed, of which Mrs. White's property is a small area. Ms. Cable highlighted two of the recommended conditions that needed further discussion, #6 and #8. Condition #6 to increase the buffer width to 35 feet; Mr. Cramer stated the increase in buffer is acceptable to Mrs. White and the stream buffer project. The 35-foot width increases the overall easement area to approximately 3.18 acres.

Condition #8 was discussed regarding whether or not an endowment would be required or if an Adaptive Management Plan ("Plan") would be acceptable for this project. Ms. Cable refreshed the Board's memory on what they have approved previously and the difference in the projects that required an endowment and the ones that were approved with only a Plan. The overall concern remains regarding the long-term stewardship and management of the buffer area and the Board's concern that SHA does not have a good history with the stewardship and management of their properties and right-of-way interests around the State, particularly in terms of invasive species management and control.

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Mr. Cramer informed the Board that his company is required to actively manage the stewardship of the buffer area for the first 5-years, as required by the full delivery project that GreenVest has entered into. The concern of the Board is for the long-term management and stewardship, once GreenVest is no longer responsible. The Board is more comfortable when an endowment will be established and a local land trust partner involved for the monitoring and stewardship, with funds available to pay for any stewardship care so the landowner is not held financially responsible.

Mr. Cramer told the Board his company is experienced in endowments and would be willing to pursue that as an option for the White property. Ms. Cable mentioned that the Long Green Trust, a reputable Baltimore County land trust, is involved with the larger stream restoration project and would be a logical partner that could be involved in the stewardship of the White property as well.

Motion #3: To approve the request with all 8 conditions, including the 35-foot buffer width in condition #6 that makes the overlay area ~3.18 acres.

Motion: Cosgrove Second: Wood

The Board had additional discussion of the motion, specifically condition #8 that leaves the option of establishing an endowment or a Plan. Mr. Mason expressed his opinion that the option to establish a Plan instead of an endowment should be removed. Mr. Cramer stated his company would be willing to proceed with establishing an endowment for the buffer project on the White property.

Ms. Cable informed the Board that during the Policy Committee meeting, this topic was discussed at length and the Committee was considering making an endowment a requirement for any restoration/mitigation overlay easements on MALPF properties.

Mr. Lippincott added that his Agricultural Advisory Board recommended that the form of the easement include two changes: (1) to allow vehicle access in designated areas of the buffer to cross to the other side of the stream, and (2) to include language that the Grantee must provide notice to Grantor prior to entering property to do any monitoring or stewardship activities. Ms. Cable stated that condition #1 requires that MALPF must approve the final easement language and will include the County's Board's recommendation into MALPF's review of the form easement.

Motion #4 Amended so that condition #8 is only an endowment and not an alternative solution.

Motion: Cosgrove Second: Wood  
Status: Approved

2. 03-06-09 Wilhelmsen, Kristen & Hans Jr. ~58 acres

Request – Baltimore County:

Request approval to relocate a 1-acre non-subdivideable, unrestricted lot.

Recommendation:

Staff recommends approval. The same conditions requiring amending the Deed of Easement included with the Board's February decision shall still apply.

Ms. Cable introduced the item. Mr. Lippincott was available to address the Board. Ms. Cable informed the Board that landowner's request letter and the County Agricultural Advisory Board's letter were included as handouts the day of the meeting. In addition, Ms. Cable stated that the reason for the relocation of the lot listed in the memo was inaccurate. While it still stemmed from input of the landowner's engineer, it was due to the type of house and the configuration of the lot, not due to unsuccessful perc testing.

Motion #5: To approve the request to re-locate the non-subdivable lot.

Motion: Jones Second: Cosgrove

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Status: Approved

C. CARROLL COUNTY

1. 06-97-07 Estate of Wilson Lippy & Heidi Sprinkle ~108.14 acres  
06-97-16A Foggy Bottom Farm ~75.3 acres

Request:

Request approval of an agricultural subdivision of two Easement properties, creating three separate Easement properties consisting of ~25.19 acres, ~101.44 acres and ~62.258 acres.

Recommendation:

In accordance with the Foundation's Agricultural Subdivision regulations and with Senate Bill 975, approved by the Governor on May 25, 2017, now codified as Chapter 662, 2017 Laws of Maryland, Staff recommends approval, subject to the following conditions, which have been agreed to by the landowner:

1. The regulatory conditions;
2. That the corrective easement documents the pre-existing dwelling on Parcel 337 shall be non-subdivideable from that parcel;
3. The withheld 1-acre located on Parcel 13 shall be a non-subdivideable building lot on that parcel;
4. The reconfigured Easement that consists of Parcels 361, 19, 146, and 513 shall be consolidated into a single tax account and parcels;
5. Parcel 244, which is the 1-acre child's lot that was fully released for Heidi Sprinkle and is located in the center of parcel 361, shall be added to this reconfigured Easement as a non-subdivideable building envelope

Ms. Cable introduced the item. Ms. Sprinkle and Ms. Bowers were available to address the Board. Ms. Sprinkle informed the Board after further consideration, she was unwilling to include the withheld acre in easement 06-97-16A as part of the new configuration of the subdivided easements. Ms. Sprinkle wants to keep the ability to sell the 1-acre lot that was withheld from the easement as a separate residential lot.

Ms. Cable responded that the 1-acre lot that is located within Parcel 13, described in condition #3, was never part of the original MALPF easement and has never been encumbered. Further, even without the inclusion of the 1-acre lot, the request still meets the criteria to request the agricultural subdivision and staff still recommends approval. It was clarified that the lot will be delineated on the survey as well as a right of way to access the lot. After the lot is located, if Ms. Sprinkle wants to relocate the lot, a request will need to be presented to the Board.

Motion #6: To approve the request of an agricultural subdivision of two Easement properties, creating three separate Easement properties consisting of ~25.19 acres, ~101.44 acres and ~62.258 acres, subject to conditions 1,2,4, and 5.

Motion: Wood Second: Cosgrove  
Status: Approved

D. HARFORD COUNTY

1. 12-98-06e Estate of John and Mary Archer ~182.873 acres

Request:

Request approval to adjust boundaries between two MALPF properties so that a portion (~ 5.8 acres) of MALPF File # 12-98-06e ("Large Farm") is transferred to an adjacent MALPF farm, File # 12-98-08A ("Small Farm"), bringing that farm up to ~48.5 acres and leaving ~177 acres.

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Recommendation:

Staff recommends approval subject to the condition that the pre-existing dwelling on the Small Farm becomes non-subdivideable (owners included this in their application).

Ms. Chasse introduced the item. Mr. Amoss was available to address the Board.

Motion #7: To approve the request to adjust boundaries between two MALPF properties so that a portion (~ 5.8 acres) of MALPF File # 12-98-06e is transferred to an adjacent MALPF farm, File # 12-98-08A, bringing that farm up to ~48.5 acres and leaving ~177 acres.

Motion: Cosgrove Second: Huffman  
Status: Approved

2. 12-13-07 Milton, Brad and Karin ~52.145 acres

Request:

Request for a dairy operation (Uses Policy Category is “Processed (value-added) farm and forest products”) and commercial kitchen (“Food preparation and on-site sales/ seating relating to and supporting an agricultural operation”).

Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Mr. Amoss and Ms. Pomilla were available to address the Board.

Motion #8: To approve the request for a a dairy operation (Uses Policy Category is “Processed (value-added) farm and forest products”) and commercial kitchen (“Food preparation and on-site sales/ seating relating to and supporting an agricultural operation”).

Motion: Cosgrove Second: Wood  
Status: Approved

**V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:**

N/A

**VI. PROGRAM POLICY**

**A. Anne Arundel County Re-Certification Request**

Ms. Cable and Ms. Herr Cornwell introduced the item. Ms. Polito and Mr. Gorski were available for comments or questions.

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

Motion: Wood Second: Cosgrove  
Status: Approved

**B. Updated Withheld Acreage Policy for vote**

Motion #10: To approve the updated policy.

Motion: Cosgrove Second: Oberg  
Abstained: Brogan  
Status: Approved

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C. Calvert County Re-Certification Request

Ms. Turner and Ms. Herr Cornwell introduced the item.

Motion #11: To approve Calvert County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Klasmeier Second: Oberg  
Status: Approved

D. Caroline County Re-Certification Request

Ms. Turner and Ms. Herr Cornwell introduced the item. Mr. Willis was available via phone conferencing for comments or questions

Motion #12: To approve Caroline County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion: Wood Second: Jones  
Status: Approved

E. Legislation Committee – Request Board Consideration of Proposed 2019 Legislation

Ms. Turner introduced the item.

Motion #12: To approve the request to bring proposals for the 2019 legislative session to the Secretary for his consideration.

Motion: Mason Second: Jones  
Status: Approved

**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): (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 #14: To adjourn the regular session at 11:48 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: Cosgrove Second: Jones  
Status: Approved

Before the open meeting was convened, a Closed Meeting of the Board was held from 9:06 a.m. to 9:26 am on May 22, 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:

(7) to consult with counsel to obtain legal advice; and

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After the open meeting adjourned at 11:48 a.m., a Closed Meeting of the Board was held from 11.59 a.m. to 12:13 pm on May 22, 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 second Closed Meeting, the following Board members were present: Michael Calkins, Chair, William Allen, Vice 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, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Taylor Huffman, Bernard Jones, Tom Mason, and Joe Wood.

The following Board members were absent: Ralph Robertson 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 April 24, 2018 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Statutory and regulatory authority: criteria used to approve family lots update
- D. Withdrawal of Charles County Easement Offer

Respectfully Submitted:

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Diane Chasse, Administrator