

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES**

August 22, 2023

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Steven Connelly, representing Secretary Kevin Atticks, Maryland Dept. of Agriculture
Joanna Kille, representing Treasurer Dereck E. Davis
Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland
Department of Planning
Alex Butler, representing Comptroller Brooke E. Lierman
Gary Dell
Joseph Wood
J. Bruce Yerkes
Elizabeth Hill

Trustees Absent:

Catherine Cosgrove
Gilbert "Buddy" Bowling

Others Participating:

Michelle Cable, MALPF Executive Director
Chana Turner, MALPF Lead Administrator
Sarel Cousins, MALPF Administrator
Rama Dilip, MALPF Administrator
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Amanda Massoni, MALPF Fiscal Specialist
Patrick Martyn, Assistant Attorney General, Department of General Services
Renee Dyson, Assistant Attorney General, Department of General Services
Cara Frye, Assistant Attorney General, Department of General Services
Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture
Megan Benjamin, Baltimore County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
J.P. Smith, Jr., Carroll County Program Administrator
Billy Gorski, Anne Arundel County Staff
Summer Roen, Calvery County Staff
Jenn Wilson, Harford County Staff
Bill Amoss, Harford County Program Administrator
Will Lefort, Department of General Services Appraiser
Sue Veith, St. Mary's County Staff
Shannon O'Neil, Frederick County Staff
Beth Ahalt, Frederick County Staff
Julie Enger, Department of General Services Appraiser
Scott Burroughs, Surveyor representing St. Mary's County landowner
Sally Fogle, Frederick County Landowner
Paul Leatherman III, Frederick County Landowner
Kathy Drew, Worcester County Landowner
Joe Pippin, Queen Anne's County Staff
Doug and Lisa Frushour, Frederick County Landowners
Linda Minnick, Frederick County Landowner
Joy Levy, Howard County Program Administrator
Jeff Greenwood, Valley Boys LLC, Frederick County Landowner
Katherine Munson, Worcester County Program Administrator
Rob Mitchell, Worcester County Director, Department of Environmental Programs

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Mr. Allen, Chair, called the meeting to order at 9:03 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from July 25, 2023.

Motion #1: To approve minutes from July 25, 2023.
Motion: Yerkes Second: Dell
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cable announced the upcoming Forever Maryland Conference being held in Annapolis on October 4-5, encouraging anyone able to attend to do so. Specifically mentioning a MALPF Administrators session on the morning of day 2. Ms. Cable asked the county staff that were on the call whether anyone had any announcements or questions, no one shared anything this meeting.

Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. CARROLL COUNTY

1. 06-79-07esS sub #3 Thomas W. Powel, ~198.75 acres
Personal Representative, Estate of William R. Powel

Request – Carroll County:

Request approval to exclude up to 2 acres for two child lots (1) Virginia A. Powel and (2) Nancy R. Powel.

Recommendation:

Staff recommends approval of the two lots and their lot locations, with the condition that the lots be created either simultaneously, or in order of the lot closest to the road first.

Ms. Dilip introduced the item. Mr. Smith was available to answer questions from the Board. Mr. Smith added that these are the last two child lots that will be on this property. The other subdivisions did not result in any new homes and the current request is acceptable to the County.

Motion #2: To approve an exclusion of up to 2 acres for two child lots, incorporating staff recommendations, as presented.
Motion: Dell Second: Herr-Cornwell
Status: Approved

2. 06-02-05 Pascal, Sue N. ~60.448 acres

Request – Carroll County:

Request approval to exclude up to 2 acres for an owner's lot.

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and assistant attorney general prior to recording;

3. Final survey and legal descriptions must be reviewed and approved by MALPF staff and assistant attorney general prior to recording; and

4. If any significant change to the ROWs or overlay easements are required for final Anne Arundel County approval, MALPF staff will bring it back to the Board for review and approval.

Ms. Cousins introduced the item. Mr. Gorski was available to answer questions from the Board.

Motion #5: To approve the requests for the overlay easements and right-of-way easements, incorporating staff recommendations, as presented.

Motion: Yerkes Second: Wood
Status: Approved

D. FREDERICK COUNTY

1. 10-21-10 Valley Boys Farm, LLC (Jeffrey Greenwood) ~149 acres

Request – Frederick County:
Request approval for a tenant house.

Recommendation:
Staff recommends approval of a tenant house for a grain operation, subject to:

1. Compliance with the provisions of COMAR 15.15.03 as provided below;
2. Updated statement confirming Jeffrey Greenwood is the sole member of the LLC;
3. Confirmation from county staff that the County Permits Department approved the location of the tenant house, including access;
4. Landowner rolling the trailer/camper off the property once the tenant house is built; and
5. Landowner signing and returning a copy of the approval letter that will include a statement acknowledging and agreeing that neither he nor any other landowner or person other than a farm tenant in accordance with COMAR 15.15.03.03C is permitted to reside in the tenant house.

Ms. Turner introduced the item. Ms. O’Neil and Mr. Greenwood were available to answer questions from the Board. The following individuals are neighbors of the easement property who spoke in opposition to the tenant house request: Mr. Paul Leatherman III, Ms. Sally Fogle, Mr. Doug Frushour, and Ms. Linda Minnick (Neighbors). The Neighbors’ concerns centered around the proposed location of the tenant house, access thereto, how power and other utilities will be provided to the tenant house, and the use of the house when the tenant farmer no longer resides in the house.

Motion #6: To approve the request for a tenant lot, incorporating staff recommendations, as presented.

Motion: Dell Second: Kille
Status: Approved

E. ST. MARY’S COUNTY

1. 18-86-02 Meinhardt, III Henry A. ~116.42 acres

Request – St. Mary’s County:
Request approval for a special occasion events area.

Recommendation:
Staff recommends approval pursuant to Section 2-513(d), Agriculture Article, Annotated Code of Maryland (special events statute), conditioned upon:

1. the landowner’s signature acknowledging the approval letter with conditions;
2. the landowner providing a survey within three months of the date of Board approval as provided below;

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3. a baseline on-site inspection of the events area report, completed to MALPF's satisfaction prior to the first scheduled event; and
4. the landowner entering into an unrecorded agreement with the Foundation to memorialize the location of the special occasion events area, which specifies the means of access to the special events area, and acknowledges that the special events area will be extinguished upon a transfer of the property.

Ms. Cousins introduced the item. Ms. Veith and Mr. Burroughs were available to answer questions from the Board. Ms. Herr-Cornwell asked whether there is an adequate grassed buffer between the pond and the parking area, which was confirmed by Mr. Burroughs.

Motion #7: To approve a special occasion events area, incorporating staff recommendations, as presented.

Motion: Wood Second: Herr-Cornwell
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

Ms. Cable reviewed the Withheld Acreage Policy with the Board, as well as how MALPF treats the requests for designated-uses envelopes as a refresher to the Board before beginning the review of the new FY 2024 easement applications.

A. ANNE ARUNDEL COUNTY

1. 02-24-01 Land Preserve, LLC ~126.235 acres
(does not include withheld acres but does include any unpaid acres)
Request to approve the application designating ~5 acres as a permitted uses envelope for an events venue and farm market. If the areas are no longer used for an events venue, the areas could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county. In addition, Request to approve the application withholding 2 acres for an existing homesite. The 2 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion #8: To approve the Anne Arundel County request as presented.

Motion: Herr-Cornwell Second: Hill
Status: Approved

B. WORCESTER COUNTY

1. 23-24-02 Drew, Mark S. & Mildred Kathy Drew ~ 24.48 acres
2. 23-24-03 Drew, Mark S. & M. Kathy Drew ~ 29.62 acres

The County and owners requested an exception to the minimum size requirement for eligibility to apply to sell an easement to MALPF. A site inspection was conducted by Ms. Goodall and Ms. Hill, Board members, along with Ms. Cousins and county staff. Both the Board members that attended the site inspection and MALPF staff agreed that the properties did not meet the criteria listed in regulations to recommend an exception to the size minimum to apply to sell an easement to MALPF at this time.

MALPF Staff and Board members recommended the owners to pursue other possible avenues of land preservation, with the possibility that the properties could be eligible to apply to MALPF in the future.

Motion #9: To deny the request for an exception to the minimum size requirements for both Drew applications, as presented.

Motion: Kille Second: Connelly
Status: Approved

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C. ST. MARY'S COUNTY

1. 18-24-04 Maniportia Farm, LLC ~ 64.011 acres
(excludes withheld acres)

Request to approve the application withholding ~1.03 acres surrounding an existing cell tower, with access. The ~1.06 acres will require a Declaration of Restrictions that documents no development rights with the acreage.

2. 18-24-07 Rowe, Lawrence Imire & Mary Stephanie ~ 147.38 acres
(excludes withheld acres)

Request to approve the application withholding 10.0 acres, including access, for a future home site. The 10.0 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 10: To approve the St. Mary's County requests as presented.

Motion: Wood Second: Dell
Status: Approved

D. TALBOT COUNTY

1. 20-24-08 Hutchison, Darcy Emory & Samantha Jean Archer ~ 128.122 acres
(includes unpaid acres)

Request to approve the application designating ~5 acres as a building envelope for a permitted building envelope for a future dwelling that will not be included in the payment calculation for the MALPF easement.

2. 20-24-11 Edward E. Rhodes Revocable Trust & Elsie Rhodes Revocable Trust ~ 181 acres
(excludes withheld acres)

Request to approve the application withholding ~22.64 acres, including access, for a future home site. The ~22.64 acres will require a Declaration of Restrictions that documents one development right with the acreage.

3. 20-24-17 Shortall, Sr., William O. & Jennifer L. ~ 196.0864 acres
(excludes withheld acres)

Request to approve the application withholding ~5 acres, including access, surrounding an existing farmstead. The 5 acres will require a Declaration of Restrictions that documents one development right with the acreage.

4. 20-24-18 Sump, Mark R. & Victoria L. ~ 141.751 acres
(excludes withheld acres)

Request to approve the application withholding 2 acres for a future home site. The 2 acres will require a Declaration of Restrictions that documents one development right with the acreage.

5. 20-24-20 Voshell, et al. ~ 167.524 acres
(excludes withheld acres)

Request to approve the application withholding 5 acres for a future home site. The 5 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 11: To approve the Talbot County requests as presented.

Motion: Dell Second: Hill
Status: Approved

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E. QUEEN ANNE'S COUNTY

1. 17-24-12 Francis T. and Glenda S. Messix ~ 247.176 acres
(excludes withheld acres)

Request to approve the application withholding 4 acres, intended to be transferred to a relative, retaining a development right for a future dwelling. The 4 acres will require a Declaration of Restrictions that documents one development right with the acreage.

2. 17-24-14 Dorsey D. Patchett, Jr. & Dorsey D. Patchett III ~ 319 acres
(does not include withheld area)

Request to approve the application withholding ~26 acres across the highway. A Declaration of Restrictions will not be required.

3. 17-24-18 Albert Downes Warren, Jr. ~ 198.9 acres
(does not include withheld area)

Request to approve the application withholding ~20 acres for a commercial solar panel operation. The ~20 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion # 12: To approve the Queen Anne's County requests as presented.

Motion: Wood Second: Dell
Status: Approved

VI. PROGRAM POLICY

VII. INFORMATION AND DISCUSSION

VIII. CLOSED SESSION

Mr. Allen 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 #13: To adjourn the regular session at 10:44 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: Kille Second: Goodall
Status: Approved

The Closed Meeting of the Board was held from 10:55 a.m. to 11:04 a.m. on August 22, 2023, via internet and telephone conference call, 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: William Allen, Chair, Cricket Goodall, Vice Chair, Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Steve Connelly, representing Secretary Kevin Atticks, Maryland Department of Agriculture, Gary Dell, Joe Wood, Alex Butler, representing Comptroller Brooke E. Lierman, J. Bruce Yerkes, and Elizabeth Hill.

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The following Board members were absent: Catherine Cosgrove, Buddy Bowling

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Chana Turner, Rama Dilip, Sarel Cousins, Kim Hoxter, Amanda Massoni, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services, Cara Frye, Assistant Attorney General Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of July 25, 2023, Closed Session Minutes
- B. Status Report of Pending Legal Issues

Respectfully Submitted:



Michelle Cable, Executive Director