

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
OCTOBER 25, 2022**

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Alex Butler, representing Comptroller Peter Franchot
Joanna Kille, representing Treasurer Dereck E. Davis
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland
Department of Planning
Gilbert "Buddy" Bowling
Gary Dell
Elizabeth Hill

Trustees Absent:

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove
Joseph Wood
J. Bruce Yerkes

Others Participating:

Michelle Cable, MALPF Executive Director
Chana Turner, MALPF Administrator
Sarel Cousins, MALPF Administrator
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Cherelle Miles, MALPF Temp Fiscal Assistant
Patrick Martyn, Assistant Attorney General, Department of General Services
Renee Dyson, Assistant Attorney General, Department of General Services
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture
Stephen Davis, Assistant Attorney General, Department of General Services
Megan Benjamin, Baltimore County Program Administrator
Anne Bradley, Frederick County Program Administrator
Beth Ahalt, Frederick County Staff
Carla Gerber, Kent County Program Administrator
Billy Gorski, Anne Arundel County Staff
Jennifer David, Calvert County Staff
Summer Roen, Calvert County Staff
Darryl Andrews, Department of General Services Appraiser
Will LeFort, Department of General Services Appraiser
Julie Enger, Department of General Services Appraiser
Timothy Riley, Attorney representing QLoop (Hipkins request)
Jeff Schamber, Engineer with Hipkins request
Lee Rosebush, Frederick County landowner
Kathleen Seay, Charles County Staff

Mr. Allen, Chair, called the meeting to order at 9:05 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.

MALPF Board Open Meeting Minutes October 25, 2022

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from September 27, 2022.

Motion #1: To approve minutes from September 27, 2022, as presented.

Motion: Bowling Second: Dell
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable asked the county staff that were on the call whether anyone had any announcements to make; there were none.

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. FREDERICK COUNTY

1. 10-96-08 Rosebush, Lee & Kristy ~129 acres

Request – Frederick County:

- 1) Retroactive approval of the Rosie Cheeks Distillery previously approved and permitted by Frederick County's Zoning and Permitting Department;
- 2) Retroactive approval of all three previous events held on the property described above;
- 3) Approval of up to three (3) agriculturally related events per year; and
- 4) Conversion of a portion of an existing garage to serve as a tasting room relative to the distillery operation, including accessory sales.

Recommendation:

Staff recommends approval pursuant to –Maryland Code, Agriculture Article Section 2-513(b), COMAR 15.15.07, and more specifically under the following provisions of the Foundation's Guidelines for Requested Use of Land (Uses Policy):

- 1) Sections A.10. - Processed (value added) farm and forest products; and Accessory Sales as defined in the Uses Policy.
- 2) Section B. Commercial Events (Agricultural related) as defined in the Uses Policy.

Staff recommendation is also subject to

- A) compliance with COMAR 03.02.01 – Alcohol Beverages;
- B) receiving confirmation from Frederick County staff that all required permits for the tasting room and events have been obtained;
- C) Staff recommends including permission for accessory sales to be included in the tasting room area (not to exceed 600 square feet); and
- D) Staff recommends approving the ag-related events for up to the maximum Tier 1 permitted under the Uses Policy, up to 16. While only three are allowed under current zoning regulations, if/when the County ever increases this number; the owner would not be required to come back to MALPF for an additional request.

MALPF Board Open Meeting Minutes October 25, 2022

Ms. Turner introduced the item. Ms. Bradley, Ms. Ahalt, and Mr. Rosebush were available to address the Board. Mr. Rosebush shared that when they bought the property, they were not informed that it was encumbered with a MALPF easement. The Board and staff had some discussion about this problem that has impacted a number of buyers of MALPF easement properties. Ms. Turner pointed out that several county and town officials were invited to and in attendance at these events, further illustrating that the landowners were operating above-board, only unaware of the MALPF easement.

Motion #2: To approve the request regarding (1) the establishment of the distillery, (2) the retroactive approval for past events, (3) permission for up to 16 agricultural related events per year, and (4) the conversion of a portion of an existing garage into a tasting room, including accessory sales area, incorporating all staff recommendation, as presented.

Motion: Bowling Second: Dell
Status: Approved

2. 10-83-02 Hipkins, Elwood and Thelma Jean ~ 379 acres

Request – Frederick County:

Request approval for an overlay easement for installation of an underground telecommunications system by Qloop Communications Services, LLC (Qloop).

Recommendation:

Staff recommends approval of the request pursuant to COMAR 15.15.16 and subject to review and approval of the overlay document, and any other documents deemed necessary to comply with approval by MALPF Staff and the Office of the Attorney General.

Ms. Turner introduced the item. Ms. Bradley, Ms. Ahalt, Mr. Riley, and Mr. Schamber were available to address the Board.

Motion #3: To approve the overlay easement request for the installation of a telecommunications system by Qloop Communications Services, LLC, as presented.

Motion: Bowling Second: Dell
Status: Approved

B. WITHDRAWN

C. BALTIMORE COUNTY

1. 03-06-13 Fisher, Janon and Michael ~32 acres

Request – Baltimore County:

Request to exclude up to 2.0 acres from the easement for an unrestricted lot.

Recommendation:

Staff recommends approval pursuant to Md. Code, Agriculture Article, Section 2-513(b)(3) and (7).

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board.

Motion #4: To approve an unrestricted lot, up to 2-acres, as presented.

Motion: Bowling Second: Kille
Status: Approved

MALPF Board Open Meeting Minutes October 25, 2022

2. 03-87-24 Wisner Farms, Inc. (Larry and David Wisner) ~180 acres

Request – Baltimore County:

Request approval for relinquishment of Larry Wisner's preliminarily released child lot and merge the lot back into the easement property and ownership; and to reimburse the landowner the amount paid to have the lot released from the easement.

Recommendation:

Staff recommends approval pursuant and subject to compliance with all applicable provisions of Md. Code, Agriculture Article, Section 2-505(5)(1). Any documents required pursuant to the provisions of such statute, or any other document/s required by the Office of the Attorney General, shall be reviewed and is subject to the approval of MALPF staff and the Office of the Attorney General.

If approved, such approval is further subject to the landowner submitting a letter within 30 days of the date of the approval letter, a letter acknowledging and agreeing to the terms and conditions stated herein.

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board.

Motion #5: To approve the relinquishment of Larry Wisner's child's lot, with reimbursement to the owner for the amount paid, incorporating staff recommendations, as presented.

Motion: Dell Second: Bowling
Status: Approved

D. WASHINGTON COUNTY

1. 21-80-02sub#1 Ford, Dale and Donna ~42.47 acres

Request – Washington County:

Request for 5-year extensions to the validity of the preliminary releases for four previously approved family lots.

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extensions.

Ms. Cousins introduced the item.

Motion #6: To approve the preliminary release extensions for the four child lots, as presented.

Motion: Dell Second: Bowling
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

N/A

VII. INFORMATION AND DISCUSSION

MALPF Board Open Meeting Minutes October 25, 2022

A. WICOMICO COUNTY

1. 22-23-01 Bailey Nursery Farms, LLC ~137.04 acres
(excludes withheld acres)

Request to approve the application withholding 1.0 acres for a future homesite. The 1.0 acre will require a Declaration of Restrictions that documents one development right with the acreage.

2. 22-23-06 MARVIC Associates, LLC ~154.29 acres
(excludes withheld acres)

Request to approve the application withholding the ~13 acres that are non-contiguous with the remainder of the property. A Declaration of Restrictions is not required on the non-contiguous area.

Motion #7: To approve the Wicomico County request as presented

Motion: Bowling Second: Hill
Status: Approved

B. KENT COUNTY

1. 14-23-05 Redman Family Farms, LLC ~116.27 acres
(excludes withheld acres)

Request to approve the application withholding ~1.04 acres from the easement with no development rights associated with it for a cellular communications tower lease, with access. The ~1.04 acres will require a Declaration of Restrictions that documents zero development rights with the acreage.

2. 14-23-05 Speakman, Thomas and Suzanne ~93.8 acres
(includes unpaid acres)

Request to approve the application designating ~0.5 acres as a permitted uses envelope surrounding an existing building leased as an office space, including access. If the area is no longer as a commercial office space, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.

Motion #8: To approve the Kent County request as presented

Motion: Kille Second: Bowling
Status: Approved

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.

Motion #9: To adjourn the regular session at 9:56 a.m. to move into a closed session to consult with counsel to obtain legal advice.

Motion: Dell Second: Bowling
Status: Approved

The Closed Meeting of the Board was held from 10:06 a.m. to 10:16 a.m. on October 25, 2022 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.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Alex Butler, representing Comptroller Peter Franchot, Joanna Kille,

MALPF Board Open Meeting Minutes October 25, 2022

representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Gilbert "Buddy" Bowling, Gary Dell, and Elizabeth Hill.

The following Board members were absent: Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cathy Cosgrove, Joe Wood, and J. Bruce Yerkes.

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

TOPICS DISCUSSED:

- A. Approval of September 27, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues

Respectfully Submitted:



Michelle Cable, MALPF Executive Director