



KEVIN KAMENETZ  
County Executive

ANDREA VAN ARSDALE, Director  
Department of Planning

Baltimore County Agriculture Advisory Board  
Meeting Minutes  
(Approved 12/10/2014)

**MEETING: October 8, 2014 Field Meeting – 2:00pm – 5:00 pm & Board Meeting – 6:30pm – 8:30 pm  
@ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030**

**FIELD MEETING**

**BOARD MEMBERS PRESENT:** Harriet McGinnis, John Merryman, David Sparks, Russell Berk

**MEMBERS ABSENT:** Gail Ensor, David Martin, Ann Jones

**OTHERS PRESENT:** Wally Lippincott, Carmela Iacovelli, Charles Orwig (landowner at the field meeting), Henry Pitts (representative of Manor Conservancy at the Fugate House field meeting).

**INTRODUCTION:** The field meeting commenced at 2:00 pm by Harriet McGinnis, Vice-Chair.

**Motion: David Sparks      Second: John Merryman      Decision: Unanimous Approval**

**RECESS:** The meeting was recessed at 2:01 pm.

**MEETING RECONVENED:** The meeting was reconvened at 2:34 pm by Harriet McGinnis, Vice-Chair

**MALPF Easement Landowner Requests**

**A. Orwig, Charles & Grace (#03-82-07E) – 2139 Gibson Road, White Hall, ~166.45 +/- acres**

**Request** – to exclude a lot that existed at the time of easement sale.

**Discussion:** The Board and staff members visited this property during the field meeting and met with Mr. Orwig onsite and discussed several options for the property in addition to an exclusion of the main dwelling. The options are: 1) Exclusion of the main dwelling along with 2 acres that would include the access road and several outbuildings, 2) Agricultural subdivision of the property leaving 50 acres that would include the main house and the larger parcel with the tenant house, 3) Agricultural subdivision of 50 acres that would include both dwellings (and sell off the remainder of the property as a farm without a dwelling). Mr. Orwig will discuss the options with his family and make a decision on which option to choose. Staff to summarize the discussion and send to Mr. Orwig.

**Motion: To table the request until the Orwigs decide which option to put forward.**

**Motion by: John Merryman      Second by: Russell Berk**

**Decision: Unanimous Approval**

**RECESS:** The meeting was recessed at 3:00 pm.

**MEETING RECONVENED:** The meeting was reconvened at 3:30 pm by Harriet McGinnis, Vice-Chair

**B. Fugate House - Marshall, Susan (03-97-08E) - 3001 Sheppard Road, Monkton ~196 +/- acres**

**Request** – for an overlay easement (to be held by the Manor Conservancy) for the historic structure on the property known as “Fugate House”.

**Background**

The request for a one acre overlay is being made by the Manor Conservancy and will cover the “Martin Fugate House” (MIHP #BA-0617) which is a designated Baltimore County Final Landmark in order that the structure may be rehabilitated. The purpose of the Fugate project is to recognize, stabilize and restore the 18<sup>th</sup> century ruin as a historic resource in its original rural setting and to document its archaeological and historic significance in this historic farming community. The structure will be rebuilt and open to the public at certain times for educational purposes, used for meetings of the Conservancy and for a library. This structure is considered to be one of the oldest structures surviving in the My Lady’s Manor National Register Historic District.

**Discussion:** The Board and staff members visited this property during the field meeting and met with Mr. Henry Pitts onsite. Staff (Wally Lippincott) presented the owners request for an historical overlay easement of one (1) acre for Fugate House which will be held by the Manor Conservancy. The Board and Staff discussed the request with Mr. Pitts. This proposal will ensure that Fugate House is repaired and rebuilt. Manor Conservancy proposes using the site for public events (4 or 5 per year), meetings of the Conservancy, a library, and archaeological excavation/studies. The property’s current agricultural use is a horse operation and will not be impacted by the overlay easement since the one acre area surrounding Fugate House is not currently farmed or grazed.

**RECESS:** The meeting was recessed at 3:45 pm.

**MEETING RECONVENED:** The meeting was reconvened at 4:15 pm by Harriet McGinnis, Vice-Chair

**Baltimore County Zoning Issues**

**Kelly, Martin et al. – Long Green Pike ~41 acres & Frost Property (Green Valley Farms LLC)**

**Request** – for an agricultural subdivision of 25 acres from the Kelly farm to be added to the Frost farm.

**Discussion:** The Board and staff members visited this property during the field meeting. Wally Lippincott Jr. presented an overview of the request. The property is currently farmed by the Dietz family and is in soybeans. The 25 acres in the rear of the property will be purchased by Ryan Frost of Green Valley Farms for his horse operation. Board and staff discussion of the possibility of an easement for Green Valley Farms.

**RECESS:** The meeting was recessed at 4:25 pm.

**BOARD MEETING**

**MEETING CONVENED:** The meeting was convened at 6:15 pm



The request for a one acre overlay is being made by the Manor Conservancy and will cover the “Martin Fugate House” in order that the structure may be rehabilitated. This structure is considered to be one of the oldest structures surviving in the My Lady’s Manor National Register Historic District.

**Discussion:** See Above Discussion in the Field Minutes

**Motion:** The Board recommends approval of the one (1) acre Historic Overlay easement (to be held by Manor Conservancy) on the Marshall Property for Fugate House.

**Motion by:** Harriet McGinnis      **Second by:** David Sparks  
**Decision:** Unanimous Approval

### III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

#### A. Fulco, Frederick, Sr. (BC# 12-08) - 1095 Oakland Road, Freeland, 27.65 Easement Acres

**Request** – for a child’s lot for Frederick L. Fulco, Jr.

#### **Background**

Mr. Fulco is requesting a child’s lot for his son Frederick L. Fulco, Jr. The proposed locations are in the wooded area on parcel 94. Option #1 (Landowner’s preferred site) contains ~75% Class II soils (GdB) and 25% Class III soils (GdC). Option #2 (Staff recommended site) contains ~ 70% Class III soils (GdC) and 30% Class II soils (GdB). Staff recommends a different site which will locate the lot along the property boundary line and is in less productive soil. Landowner prefers the requested site because it has some potential for a view over the pond. Access will be from a shared right of way into the property which also serves the main house. This property is allowed one child’s lot per the easement.

**Discussion:** Request Postponed Pending Environmental Review

#### B. Sands, S. Stevens & Rosa (BC#11-12) – 13601 Mantua Mill Road, Glyndon, 20 acres

**Request** – for an easement revision.

#### **Background**

Mr. and Mrs. Sands property was placed under a Baltimore County easement on December 29, 2011. They took a tax deduction for a Charitable Contribution which the IRS questioned. The IRS advised Mr. and Mrs. Sands that the right for the child’s lot should be eliminated or the deduction would be invalidated. The easement was re-written without the child’s lot and must go to the County Council for an amendment.

**Discussion:** Wally Lippincott, Jr. gave the Board an overview of this request. Mr. and Mrs. Sands sold an easement and took a tax deduction for a “Bargain Sale” Charitable Contribution that was contested by the IRS. The easement document was amended to remove the child’s lot provision as per the IRS’s request.

**Motion:** The Board recommends approval of the amendment to the Deed of Easement removing the child’s lot provision.

**Motion by:** Russell Berk      **Second by:** John Merryman  
**Decision:** Unanimous Approval

#### IV. BALTIMORE COUNTY ZONING/NUISANCE ISSUES

##### A. Nakazawa, Hiroshi & Mineko – 10509 Stevenson Rd, Stevenson ~9.8871 acres

**Request** – Legitimacy of farm/Reduced Acreage farm request for a barn.

##### **Background**

Mr. and Mrs. Nakazawa are the owners of the property. This property is zoned RC-2, assessed as residential use according to the MD SDAT, and borders two easement properties. The property once had a small sheep operation but was subdivided to create a lot for a son. The original barn was demolished. Mr. and Mrs. Nakazawa are requesting the barn to be rebuilt in the same area as the previous barn.

**Discussion:** Richard Davis of CB Structures, Inc. addressed the Board on behalf of the Nakazawa family. The barn was removed to accommodate the septic area for their son's building lot. The Nakazawa's would like to rebuild a horse barn for their granddaughter's horse with three (3) stalls currently and the capacity for twelve (12) stalls, wash/feed/ tack rooms and equipment storage for the maintenance of the property. The Board's concerns are that the barn is oversized for the operation and pasture area. They would like to see fencing constructed and would like David Martin, University of MD Extension Agent, to properly assess the size of the barn and number of horses for the number of acres of pasture present.

**Motion: The Board recommends tabling the Nakazawa request until fencing is constructed around the pasture and request that David Martin, Extension Agent, assess the size of the proposed barn for the number of horses that can be sustained on the existing pasture acreage, and ask the Nakazawas to show the paddock area on the map.**

**Motion by: David Sparks**

**Second by: John Merryman**

**Decision: Unanimous Approval**

##### B. Kelly, Martin et al. – Long Green Pike ~41 acres & Frost Property (Green Valley Farms LLC)

**Request** – for an agricultural subdivision of 25 acres from the Kelly farm to be added to the Frost farm.

##### **Background**

The Kellys are proposing an agricultural subdivision of 25 acres of their 41 acre property. The 25 acres is to be purchased by the adjoining farm (Green Valley Farms LLC) owned by Ryan Frost to expand his horse farm operation. The remainder of the Kelly property will be divided in two – 11.5 acres will be transferred to Tom Kelly and 4.6 acres will be a designated building lot. The Kelly property is zoned RC-2 and assessed as agricultural use according to the MD SDAT. There are no easements on either the Kelly or Frost properties.

The criteria for a "General Exemption" for an agricultural subdivision of a property are:

- The request is for Agricultural Purposes
- No new roads or streets
- The request meets Zoning Regulations

**Discussion:** The Board, Staff, and Landowners discussed the proposals for the Kelly property and the process that the requests must follow in order to move this forward. Wally Lippincott gave an overview of the request for an Agricultural subdivision of 25 acres of the Kelly property and the criteria for a “General Exemption”. The Board members discussed the agricultural purpose of the request. Ryan Frost addressed the Board and explained that he proposes to purchase the 25 acres in order to provide an area to grow hay for his horse operation. He currently purchases much of his hay. The Board members also discussed preservation opportunities for the Frost property and provided Mr. Frost with a referral for the Land Trust Alliance (Ann Jones).

**Motion: The Board recommends the agricultural subdivision of 25 acres of the 41 acre Kelly property located on Long Green Pike (Tax ID# 2200007241), verifies that the property has a current and proposed agricultural use and that the proposed request for an agricultural subdivision is for Agricultural Purposes, and that the 25 acres to be purchased by the owner of the adjacent farm (Green Valley Farms LLC owned by Ryan Frost) is to expand a horse operation.**

**Motion by: John Merryman**

**Second by: Russell Berk**

**Decision: Unanimous Approval**

## **V. PROGRAM POLICY**

### **A. MALPF Easement Revisions – Advisory Board review**

**Discussion:** Board and Staff discussed the changes made to the Draft Revised MALPF Deed of Easement. The revised document is improved but there are still areas where the Board members have comments. The four areas that the Board would like to comment on are 1) Readability – there are still areas where acronyms, Latin terms, and references to previous regulations/laws are used. The Board felt that this makes the document hard for landowners to understand. 2) Reduce the excess language in the Energy Production section to “non-commercial renewable energy sources such as solar, wind and thermal”– there will be changes in the way energy is produced in the future; don’t spell it out in the document. 3) Warranties – The Board’s concern is that this provision will be binding to the original seller of the easement even if they no longer own the property. 4) Easement Amendments – The Board feels that the easement is a contract and the terms should remain as they were when it was originally signed.

### **B. Bond Ballot – November 4, 2014 Bond Ballot for Land Preservation in Baltimore County.**

**Discussion:** Board discussion of the 2014 bond ballot and concern that the ballot for Land Preservation is near the end (Question H) and that language in Question B - the Recreation and Parks ballot title “Parks, Preservation, and Greenways” may result in voters thinking that they already voted on preservation by the time they get to the actual Land Preservation ballot. Bond money will be important this year to provide funding for our current round of applicants.

### **C. MALPF Draft Regulations and draft changes to – SB 71 (Value of Easement) and SB 259 (also known as HB 861) (Renewable Energy Generation Facilities Approval for a Farm Subject to an Agricultural Land Preservation Easement).**

**Discussion: No Discussion on this item**

### **D. Certification Report for FY 12 through FY 14**



**Discussion:** Wally Lippincott outlined the highlights of the Certification Report. Being a “Certified County” allows us to keep a greater percentage of the Agricultural Transfer Tax (75%) that comes from land transfer in Baltimore County. This money is used as matching money for the State MALPF easement program. At the end of FY 2014 there were 2,463 acres preserved through all programs (MALPF, BC, RL, MET) in Baltimore County. There were 470 acres lost to development in the rural area but only 6 building permits issued in the Agricultural Preservation Priority Area (APPA) - which means that 2% of development has occurred in the APPA. Baltimore County has 62,000 acres preserved toward the 80,000 acre goal and is still doing a good job holding the line on development. In the three year reporting period Baltimore County has spent \$9.5 Million on preservation but funding has diminished due to the downturn in the economy. Since the pace of preservation has slowed it will take longer to achieve the 80,000 acre goal until the year 2030. The US Census of Agriculture shows a drop in the number of acres of farmland in Baltimore County with 8,000 acres (10%) going out of commercial farming. The USDA Census data conflicts with the data from the Maryland Department of Assessments and Taxation and the County records of land conversion. The most recent data from the State Assessments and Taxation shows a significant increase in the amount of land receiving a preferential agricultural assessment which may count smaller farms (5 acres or greater) and show less acreage lost to development. The Board members discussed this difference and several stated that many farmers do not fill out the US Census of Agriculture since it is so long (~30 pages) and asks for too much information. The next steps for the Certification Report are: Review by the Baltimore County Department of Planning and then the review by the State.

## **VI. OLD BUSINESS – Update – None to discuss**

## **VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES**

**A. Easement Settlements:** The Robert Morris property settled on May 13, 2014, Merryman-Gilmore property (59 ac. -MALPF) settled on July 24, 2014. There are still five (5) MALPF properties that have not yet settled for FY 13/14.

**B. Inspections Completed:** The inspections have been completed for all of the MALPF easements (35 total) and all of the Baltimore County easements (27 total). In addition there were six (6) easement inspections completed for Long Green, seven (7) completed for Piney, and three (3) completed for Gunpowder Valley Conservancy.

**C. MALPF Request Updates:** The Rosier property (03-05-01) received and recorded a preliminary release for a child’s lot for Felicia Buckingham. The Wisner property (03-98-15A) received and recorded a preliminary release for a child’s lot for David B. Wisner.

## **VIII MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES**

**A. Planning Office Holiday Party** for all Boards will be held December 9<sup>th</sup> from 5pm – 6:30 pm in Towson. Snow date is December 11, 2014.

## **IX. FUTURE MEETING DATES**

Next Meeting Date(s): **November 12, 2014 – Meeting to begin at 6:00 pm – Field meeting to be determined**

## **X. ADJOURNMENT**

Motion: To adjourn

Motion made by: David Sparks Second: John Merryman

Decision: Unanimous Approval

**Time: Meeting adjourned at 7:30 pm**