



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Minutes
(Approved as corrected 3/11/15)

MEETING: December 10, 2014 Field Meeting – 3:00pm – 5:00 pm & Board Meeting – 6:00pm – 8:00 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030

FIELD MEETING

BOARD MEMBERS PRESENT: Gail Ensor, Harriet McGinnis, John Merryman, Russell Berk

MEMBERS ABSENT: David Sparks, David Martin, Ann Jones

OTHERS PRESENT: Wally Lippincott, Carmela Iacovelli, Charles Ensor (landowner at the field meeting), James and Jamie Ensor (landowners at the field meeting).

INTRODUCTION: The field meeting commenced at 3:30 pm by Gail Ensor, Chair.

Motion: Russell Berk Second: Harriet McGinnis Decision: Unanimous Approval

MALPF Easement Landowner Requests

A. Ensor, Charles, Jr. & Mary Ann; Ensor, James & Patricia (Cold Bottom Farms, Inc.) (03-87-02 and 03-87-01) – 1003 Cold Bottom Road and 15801 Buffalo Run Road, Sparks ~147 and 112 acres

Request – for an agricultural subdivision to correct a conveyance of one parcel and for estate planning.

Discussion: The Board and staff members visited this property during the field meeting and met with the Ensor family onsite and discussed the proposal for the agricultural subdivision of the property. Part of the discussion included the State MALPF's requirement of the forfeiture of the 25 year termination clause and MALPF's suggestion to make the main dwellings on each of the proposed farms non-subdividable. The Ensor family is not amenable to making the homes non-subdividable. The Board members expressed support of the agricultural subdivision as proposed but without conditions.

RECESS: The field meeting was recessed at 4:20 pm.

BOARD MEETING

MEETING CONVENED: The meeting was convened at 6:00 pm

BOARD MEMBERS PRESENT: Gail Ensor, Harriet McGinnis, John Merryman, David Sparks, Russell Berk, Ann Jones (Ex Officio w/ Baltimore County Land Trust Alliance)

MEMBERS ABSENT: David Martin

OTHERS PRESENT: Wally Lippincott (Staff), Carmela Iacovelli (Staff), Michelle Cable (MALPF Staff), Rick Fulco, Sr. and Rick Fulco, Jr. (Landowners), Kim Cornwell (Landowner), Thomas & Elizabeth Kelly (Landowners), Margaret & Ed Kelly (Landowners), Bill Wiseman (Attorney accompanying the Kelly family), J. Scott Dallas (Surveyor for the Kelly Request)

I. APPROVAL OF MINUTES/ADDITION OR DELETION OF AGENDA ITEMS:

A. Approval of Minutes of: October 8, 2014.

Motion: To approve the minutes of October 8, 2014 as presented.

Motion made by: Harriet McGinnis

Second: John Merryman

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items.

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. Cornwell, Kim & John (#03-97-02E #1) – 4401 Black Rock Road, Upperco, ~55.05 +/- acres and Patti & John Bell – Black Rock Road (p. 306), 1 acre

Request – to exchange 0.65 acres of land and relocate a child's lot for Patti Bell.

Background

Mr. and Mrs. Cornwell are proposing a purchase of contiguous land from the neighboring Cole farm of 0.65 acres of Class II soils to add to their easement to facilitate relocation of the recently approved lot for Mr. and Mrs. Bell. The purpose of this is to add the better quality soil in order to locate the child's lot in the area that they prefer that has Class II and III soils. This proposal will also have to be reviewed/approved by MALPF.

DISCUSSION: Wally Lippincott, Jr. gave an overview of the request and explained the process that the Cornwell/Bell family must go through in order to exchange the land. The Board discussed the process with Michelle Cable of MALPF and also discussed whether any density will be lost from the neighboring Cole property. Board suggested that a reference be placed in the deed of transfer stating that no density is being conveyed.

Motion: The Board recommends the exchange of 0.65 acres of land of equal qualifying soils and approves a change of lot location for Patti Bell's child's lot.

Motion by: John Merryman

Second by: Russell Berk

Decision: Unanimous Approval

B. Ensor, Charles, Jr. & Mary Ann; Ensor, James & Patricia (Cold Bottom Farms, Inc.) (03-87-02 and 03-87-01) – 1003 Cold Bottom Road and 15801 Buffalo Run Road, Sparks ~147 and 112 acres

Request – for an agricultural subdivision to correct a conveyance of one parcel and for estate planning.

Background

The property located at 1003 Cold Bottom Road (M 28, p 33) is part of Cold Bottom Farms, Inc. and is known as the James L. Ensor home farm. This property has two separately described parcels that make up the 147 acres that are both labeled parcel 33 (a 109.75 acre parcel and a 37.26 acre parcel). The property is leased to Cold Bottom Farms, Inc. the farm corporation of Charles E. Ensor, Jr. and James L. Ensor, who are cousins. Originally the property was owned by four people (Charles (Chuck) E. Ensor, Jr., Mary Ann Ensor, James L. Ensor, and Patricia J. Ensor). In 2009 the ownership of the property was changed so that James L. and Patricia J. Ensor would have ownership of 100% of the 109.75 acre parcel on the home farm. The 37.26 acre parcel was still owned by four owners (Chuck, Mary Ann, Jim, and Patricia) this illegally divided the easement.

The Ensors are proposing to divide the property to create an ~ 81 acre parcel that will contain the main dwelling, all grain bins and agricultural structures which will become the James L. Ensor, Jr. home farm (#03-87-02), 1003 Cold Bottom Road. The 81 acres consist of 96% Class I, II, and III soils.

The remainder will be agricultural land, ~ 66 acres that will be joined to the Charles and Mary Ann Ensor home farm (#03-87-01), an adjoining easement located at 15801 Buffalo Run Road. The 66 acres consist of 83% Class I, II, and III soils.

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: Wally Lippincott, Jr. gave the Board an overview of this request. The Board visited this property during the afternoon field visit and met with the land owners on site.

This property consists of 147 acres in two parcels (109 ac. and 37 ac.) which was put under one easement. Requirements of the easement state that the property must remain in common ownership. An illegal subdivision of the easement occurred when ownership of one of the parcels changed. The Ensor family is requesting an agricultural subdivision to address the illegal subdivision and to divide the property as was presented to the Board. The Board and staff discussed the proposal and the State's requirements for an agricultural subdivision.

MOTION: The Board recommends approval of the agricultural subdivision of the Ensor property, also known as Cold Bottom Farms, Inc. to correct the illegal conveyance of a parcel and for estate planning while retaining all pre-existing dwelling subdivision rights. The Board also verifies that the property has a current and proposed agricultural use, and that the proposed request for an agricultural subdivision is for Agricultural Purposes.

Motion by: David Sparks Second by: John Merryman

**Decision: Approval by Harriet McGinnis, David Sparks, John Merryman, Russell Berk
Abstaining: Gail Ensor**

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). Access will be either from a shared right of way into the property which also serves the main house or a separate in-fee strip. This property is allowed one child's lot per the easement. Environmental Protection Staff reviewed the site and recommended that the site be located away from the existing forest conservation area and steeper slopes. This was also reviewed by Planning which had no issues.

DISCUSSION: Wally Lippincott, Jr. gave the Board an overview of this request. The Board visited this property a few months ago. The request is for a child's lot to be located in the wooded area of the property away from the steep slopes and out of the forest buffer areas. There are some questions regarding the proposed size of the child's lot as it was shown on the site plan provided by the Fulco's engineer, Scott Lindgren. The size of a child's lot in Baltimore County is limited to 1 acre. Mr. Fulco is investigating using a right-of-way for shared access in order to comply with the size requirement. The issues to decide are if the location of the child's lot as presented is suitable and if the Board recommends that the

request for a child's lot is for agricultural purposes (an agricultural subdivision). The Criteria for a General Exemption for agricultural purposes are:

- No new roads or streets
- Meets Zoning Regulations
- Is for Agricultural Purposes

MOTION #1: The Board recommends approval of a child's lot for the Fulco property in the location indicated on the site plan.

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

MOTION #2: The Board recommends the agricultural subdivision of the Fulco's child's lot, verifies that the property has a current and proposed agricultural use, and that the proposed request for an agricultural subdivision is for Agricultural Purposes.

Motion by: Russell Berk Second by: David Sparks
Decision: Unanimous Approval

IV. BALTIMORE COUNTY ZONING/NUISANCE ISSUES

Zoning Request

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

Request – To take off the table the request for a Legitimacy of farm/Reduced Acreage farm determination for purposes of construction of an agricultural building.

DISCUSSION: ITEM WAS WITHDRAWN

B. Kelly, Martin et al. (Map 45, parcel 281) – Long Green Pike ~41 acres

Request – for an agricultural subdivision of 11.5 acres from the Kelly farm to be added to the Thomas Kelly Property at 13330 Long Green Pike.

Background

The Kelly family owns a 41 acre property located on Long Green Pike in Long Green. In October they came before the Advisory Board for an agricultural subdivision of 25 acres to be transferred to the neighboring farm. The request was recommended by the Advisory Board. This request is for another division of the 41 acre property for a second agricultural subdivision that would attach 11.5 acres to the adjacent residential property owned by Mr. Tom Kelly. This would leave a 4.6 acre homesite utilizing the one remaining development right on the parcel. Initial meetings were held with the Kelly's to locate the 4.6 acre homesite

more perpendicular to Long Green Pike to reduce the impact on the scenic view, however, this proposal was rejected because of wetter soils farther off the road and landowner preference. At that time Mr. Kelly's interest of attaching the 11.5 acre remainder to his lot was discussed but the process was not decided. The options available are either an agricultural subdivision – as requested - or a Zoning Hearing for non-density transfer.

The Criteria for a General Exemption for agricultural purposes are:

- No new roads or streets
- Meets Zoning Regulations
- Is for Agricultural Purposes

The Kelly's are asking that the Board find the request is for agricultural purposes. If approved, the Board could consider requiring the 11.5 acres be combined with the existing residential lot to create one parcel that would then be eligible for Assessment and Taxation designation of Agricultural Preferential Assessment. Staff also asked that the Kelly's consider putting the newly created parcel under an easement held by a Land Trust.

DISCUSSION: The Board, Staff, Landowners and their representatives discussed the proposal for the Kelly property and the agricultural purpose of the request. Thomas Kelly addressed the Board and discussed the proposal and addressed the Board's concerns; that the 11.5 acres remains in agriculture and does not become a residential lot in the future.

Motion: The Board recommends the agricultural subdivision of 11.5 acres of the 41 acre Kelly property located on Long Green Pike (Tax ID # 2200007241), and that the property has a current and proposed agricultural use and is to be maintained as a farm.

The Board's recommendation is conditioned upon the 11.5 acres being subject to a conservation easement that will be held by the Long Green Valley Conservancy with the following easement conditions: 1) No residential use of the 11.5 acres, 2) No institutional, commercial or industrial uses of the 11.5 acres, 3) No forest/stream buffers will be required on the 11.5 acres, 4) Agricultural uses are the only uses permitted on the 11.5 acres, 5) The ecosystem sale of forest banking services will be allowed on the 11.5 acres.

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

Zoning Enforcement

C. Eurice, Donald & Marian – 6250 Ebenezer Road, Chase, 8.6 +/- Acres

An enforcement citation was referred to the Baltimore County Agricultural Land Preservation Advisory Board regarding accumulated debris at the produce stand and failure to obtain a building permit for work on the produce stand. The property is assessed as agricultural use according to the Maryland SDAT.

DISCUSSION: Wally Lippincott sent a memo to Lionel Van Dommelen of Permits, Approvals & Inspections stating that a similar issue was reviewed by the Board in 2013 and that the Board submitted their decision that the property has agricultural operations and structures and is a bona fide farm.

V. PROGRAM POLICY

A. Bond Ballot – November 4, 2014 Bond Ballot for Land Preservation in Baltimore County.

DISCUSSION: The Bond Ballot for Land Preservation was successful with a 67% approval rating.

VI. OLD BUSINESS – Update

DISCUSSION: None discussed

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

DISCUSSION: MALPF Easements settled to date include: Tracey/Bernstein (Greenland/Iceland Farms), Fleming (Green Valley Training Ctr.), Merryman-Gilmore, Morris, Zahradka, and John McGinnis. Pending are Anne Kern, Marilyn Smith, Hutschenreuter, and Sullivan/Higgs.

VIII MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

A. Troyer, Steve – Easement Violation – 20300 Ensor Road, Grading Issue

DISCUSSION: Wally Lippincott discussed the issue with the Board members. Mr. Troyer will be bringing in more soil to stabilize the bank. The Board would like to see follow-up to assure the area is not expanded.

IX. FUTURE MEETING DATES

Next Meeting Date(s): Early February of 2015

X. ADJOURNMENT

Motion: To Adjourn

Motion by: John Merryman

Second by: Harriet McGinnis

Decision: Unanimous

Time: Meeting adjourned at 8:00 pm