



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board Meeting Minutes

(Minutes Approved 4/8/15)

MEETING: March 11, 2015 - Board Meeting – 6:30pm – 8:00 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030

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

MEMBERS ABSENT: David Martin, Ann Jones

OTHERS PRESENT: Wally Lippincott, Carmela Iacovelli, John Elligson III (landowner), John Elligson IV (landowner), Bob Wilson (Engineer)

INTRODUCTION: The board meeting commenced at 6:30 pm by Gail Ensor, Chair.

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

A. Approval of Minutes of: December 10, 2014.

Motion: To approve the minutes of December 10, 2014 as corrected (include all names for the Ensor family and Cold Bottom Farms, request).

Motion made by: Harriet McGinnis

Second: Russell Berk

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items.

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

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

Request #1 – to exclude two (2) acres and a dwelling that existed at the time of easement sale.

Background

Mr. and Mrs. Orwig are requesting an exclusion of the main dwelling and several outbuildings on their farm. Their property is under an older MALPF easement (made 12/27/1985) that allows for the exclusion of a dwelling that existed at the time of easement sale. Mr. and Mrs. Orwig would like to include several of the outbuildings that are closest to the house in the acreage because of the historic character of the buildings and that they best relate to the residence.

DISCUSSION: Gail Ensor introduced this request and Wally Lippincott gave the Board an overview. The Board members had questions regarding the easement provisions that allow the release of pre-existing dwellings and the potential outcome for the property. Bob Wilson (Engineer representing the Orwig family) presented the Board with a survey plat showing the proposed 2 acre lot exclusion for the Orwigs.

Motion: To table the request until the Board has further information from the State.

Motion by: Harriet McGinnis

Second by: John Merryman

Decision: Unanimous Approval

Board Request: The Board members would like staff to provide information from the State regarding: whether the Orwig deed of easement has language providing for the right to release every pre-existing dwelling, the allowed size of a released lot, and the MALPF administrator's position on release of a house in the middle of a farm.

Request #2 - to request approval of the subdivision of the two (2) acre home site as an Ag Subdivision.

Background

The Orwig's are asking that the Board find the request is for agricultural purposes. Below are the criteria for the Board's review for a general exemption for an agricultural subdivision. The alternative will be for the Orwig's to divide off the home site through a minor subdivision.

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:

Motion: To table the request until the Board has further information from the State.

Motion by: Harriet McGinnis

Second by: John Merryman

Decision: Unanimous Approval

Request #3 – to designate the second existing dwelling (tenant house) as the main house on the farm.

Background

The second dwelling on the farm is a tenant house which was documented by MALPF as an existing dwelling at the time of easement sale in 1985. This will become the main house on the farm after the Orwig's residence is excluded. Currently it is considered a "tenant house" by Baltimore County and not listed on the tax records.

DISCUSSION:

Motion: To table the request until the Board has further information from the State.

Motion by: Harriet McGinnis

Second by: John Merryman

Decision: Unanimous Approval

**B. Elligson, John (#03-80-04B) – 4114 Church Road, Millers, 30.37 acres
Elligson, Timothy (#03-80-04B) – 4121 Hoffmanville Road, Millers, 41.4 acres**

Request – for an agricultural subdivision of the property line to follow the stream boundary.

Background

A subdivision of the property was requested by the family in 1998 but not approved until 2011 when it was given a retroactive approval by MALPF. This divided the property between John Elligson, Jr. and Timothy Elligson. The line of division between the two parcels was surveyed as a straight line. It was the intention of the landowners to have the stream that flows between the two properties be the boundary line. The Elligsons are requesting the Board’s recommendation for an agricultural subdivision to establish the stream as the new boundary line and keep the field that is currently used by John Elligson, Jr. intact.

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 gave an overview of this request. The Elligson’s have requested that an adjustment be made to the boundary line of their subdivided parcels. They would like to have the boundary line follow the stream line. John Elligson, Jr. and John Elligson, IV discussed the request with the Board members. John Elligson, Jr. indicated the primary reason was to get areas he has planted on “his” side of the stream into his ownership.

MOTION: The Board recommends approval of the Agricultural Subdivision as a lot line adjustment to follow the stream line for the John and Timothy Elligson properties located on Church Road and at 4121 Hoffmanville Road.

Motion by: David Sparks

Second by: John Merryman

Decision: Unanimous Approval

C. Ensor, Keith & Kevin (#03-86-01) – Old York & Lentz Rds., 138 +/- acres

Request – for retroactive approval to increase the size of an approved lot surrounding a released dwelling from 1.0 acre to 1.49977 acres.

Background

The lot was originally part of the easement property. It is located at 21011 Old York Road. The request is for an increase of 0.49977 acres to meet the road dedication requirements that were in place in Baltimore County in 1995 when it was subdivided and sold. To show that the 0.49977 acres is not under easement an amended final release must be prepared and recorded. One (1) acre was released from the easement for this lot in 1994 (liber 10701, folio 093) by MALPF.

DISCUSSION: Carmela Iacovelli gave an overview of the request. The Ensor's are requesting retroactive approval to increase the size of a previously approved lot (1.0 ac. to 1.49977 ac.). The increase was due to the County road dedication requirement in 1995 and the increased acreage required for the septic area. This was approved by MALPF in 1994 as a one acre exclusion surrounding an existing dwelling. An amended release is needed to release the additional 0.4997 acres from easement.

MOTION: The Board recommends the request for a retroactive approval for an increase in the lot size from one (1) acre to 1.49977 acres.

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

III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

A. None to discuss

IV. BALTIMORE COUNTY ZONING/NUISANCE ISSUES

A. None to discuss

V. PROGRAM POLICY

A. None to discuss

VI. OLD BUSINESS – Update

- 1. Updates from the February 24, 2015 MALPF Board of Trustees meeting:** The Charles and James Ensor request was approved for an Agricultural Subdivision. The Cornwell request for reconfiguration of the child's lot for Patti Bell was approved and a five year extension for the Patti Bell child's lot was also approved. The MALPF FY 15/16 budget for easement acquisitions (\$ 22 Million) may be cut to \$11 Million. The next step is to see what the outcome is in the MD General Assembly.

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

- 1. Easement Settlement: The Stark property settled 2/5/15.**
- 2. Board Request:** The Board would like staff to provide an update at their next meeting on the remaining four properties that have not yet settled their easements for FY 13/14 MALPF program.

3. **Budget Update:** Wally Lippincott will initiate a request to the County to put matching money in the budget for the MALPF FY 15/16 round of easement applicants.
4. **Community Outreach:** Wally Lippincott spoke to the Granite Community in the Patapsco area at their community meeting on March 2, 2015. They have concerns regarding the upcoming Comprehensive Zoning Process in 2016. The area is experiencing encroaching development.

VIII MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

DISCUSSION: None to discuss

IX. FUTURE MEETING DATES

Next Meeting Date(s): April 8, 2015

X. ADJOURNMENT

Motion: To Adjourn

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous

Time: Meeting adjourned at 8:00 pm