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County Executive

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Department of Planning

## Baltimore County Agriculture Advisory Board Meeting Minutes

(Minutes Approved 6/10/15)

**MEETING: April 8, 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,

**MEMBERS ABSENT:** Russell Berk, David Martin, Ann Jones

**OTHERS PRESENT:** Wally Lippincott, Carmela Iacovelli, Mike Ruby (Country Chronicle)

**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: March 11, 2015.

**Motion: To approve the minutes of March 22, 2015 as presented.**

**Motion by: John Merryman**

**Second by: David Sparks**

**Decision: Unanimous Approval**

**B.** Addition or Deletion of Agenda Items.

**Motion for Addition of Agenda Item: To add a discussion of the State budget in item 8B (Misc.) and discussion of the release of existing dwellings in item 8C (Misc.)**

**Motion by: Harriet McGinnis**

**Second by: David Sparks**

**Decision: Unanimous Approval**

### **II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES**

**A. Reade, Eleanor (#03-94-12AE) – Old York Road, Monkton, 34.07 +/- acres**  
**Request** – donation of 1.675 acres that was originally excluded from the easement

**Background**

Mrs. Reade is the owner of an easement property (34.07 acres) located on Old York Road in Monkton, MD that is comprised of two parcels (parcels 181 and 167). This property was placed under easement in 1997 by her parents, George and Elizabeth Constable. Mrs. Reade is proposing to donate 1.675 acres of Parcel 181 that was originally excluded from the easement and includes a building right.

The parcel is open land that is farmed with the rest of the property; the current operation is grain. There are no structures on the acreage. The soil capability class for the 1.675 acres is 100% Class II (GdB) soils.

**DISCUSSION:** Wally Lippincott, Jr. gave the Board an overview of the request. The Reade property is located on Old York Road and is part of the Constable properties. Mrs. Reade is a daughter of the Constables who were the original grantors of the MALPF easement. Mrs. Reade would like to donate a buildable lot of ~1.68 acres with one development right that was originally excluded from the easement to MALPF and incorporate the lot into the existing easement.

**Motion: The Board recommends approval of the donation of the 1.68 acres with one development right that was originally excluded from the easement to MALPF.**

**Motion by: John Merryman**

**Second by: Harriet McGinnis**

**Decision: Unanimous Approval**

**B. Price, Richard (03-82-07B) – 2700 Stockton Road, Phoenix, 312 +/-acres**

**Request** – for an extension of the preliminary release for a child’s lot for Jocelyn Price

**Background**

Mr. Price is requesting the Board’s consideration of a five (5) year extension of an approval for a child’s lot for his daughter Jocelyn that was originally approved by MALPF in 1998 and has a preliminary release from 2000. MALPF established a three (3) year time limit on family lots in 2012 that is retroactive to all family lots that were granted preliminary releases. The preliminary release becomes void after the three (3) year time limit unless an extension is requested.

**DISCUSSION:** Board and staff discussion of the State’s time limitation for child’s lot releases (three year limitation) and the ability to request an extension of up to five years. The Board members had questions regarding the ability to request an extension: who can request an extension if the original grantor passes away, what happens if the property is in a trust? The Board asked staff to inform Mr. Price of the new policy.

**MOTION: The Board recommends approval of the request for a five year extension of the child’s lot preliminary release for Jocelyn Price.**

**Motion by: John Merryman    Second by: David Sparks**

**Decision: Unanimous Approval**

**C. Peters, William & Craig (03-80-03) – 15619 Yeoho Road, Sparks 112+/- acres**

**Easement Violation** – MALPF letter requiring clean-up of property with deadline of one year

**Background**

The Peters property has had a violation for junk accumulation for the last seven (7) years. Kim Hoxter, Inspection Coordinator from MALPF and Staff from Baltimore County have been inspecting this property

regularly and have been working with the Peters' to get them to remove the debris. Although progress has been made additional junk/vehicles/debris are still accumulating. Ms. Hoxter has sent the Peters' a letter giving them a deadline of one year to get the final clean-up completed.

**DISCUSSION:** Board and staff discussion of the Peters violation issue and how it's been handled at the State. There is documentation in the file that the junk issue predated the easement and that the State was aware of this before the easement went on the farm. The farm area is well maintained and the junk area is contained to the grain bin area and not scattered all over the farm. The Board feels that if these materials were on the farm property before the easement went into effect then it should be taken care of by Zoning's Code Enforcement not be considered an easement violation. Staff informed the Board that the next visit to the property is on April 21, 2015 for the yearly inspection and that the MALPF coordinator Kim Hoxter will continue to work with Mr. Peters to continue the clean-up.

**D. Ensor, Peter & Alice (03-94-09) – 20515 W. Liberty Road, White Hall 93 +/- acres**  
**Easement Violation** – MALPF request to re-inspect the property to check for progress in removing excess vehicles.

### **Background**

The Ensor property has had a violation of the easement for several years. There are many vehicles stored on the property. The Baltimore County staff has been conducting periodic inspections to check on the Ensor's progress in removing the vehicles. MALPF Inspection Coordinator, Kim Hoxter has requested information on the status of the clean-up.

**DISCUSSION:** Board and staff discussion of the Ensor violation. There are many vehicles on the property and some have been there a long time. This is an older easement and baseline documentation of what existed at the time the easement went on the property was not done. The Board feels that if these vehicles were on the farm property before the easement went into effect then it should be taken care of by Zoning's Code Enforcement and not be considered an easement violation. Staff comment that it's difficult to tell if the vehicles are old or new. A follow-up inspection will be done soon.

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

**No Requests**

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

**Zoning Issues or Enforcement**

**None**

## **V. PROGRAM POLICY**

### **A. MALPF – Policy to Enforce Potential Easement Violations**

Discussion of MALPF's policy to enforce potential easement violations

**DISCUSSION:** Carmela Iacovelli reviewed the current section II in MALPF's deed of easement that outlines the Covenants, Conditions, Limitations and Restrictions and section IV (Breach) with the Board. These sections outline all restrictions and responsibilities that the easement imposes and that could be potential violations and what the State can require the landowner to do in order to comply with the easement.

The Board then proceeded to discuss the current proposed MALPF Violation Policy in order to provide comments to the MALPF Board of Trustees. The summary of their comments are outlined in the attached letter dated April 14, 2015 to John Draper, Jr. Chair of the MALPF Board of Trustees.

## **VI. OLD BUSINESS – Update**

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

### **A. Update for the MALPF FY 13/14 properties that have not yet settled**

**DISCUSSION:** Staff discussed the four remaining properties that applied in the FY 13/14 MALPF program that have not yet settled their easements. The Smith and Higgs/Sullivan properties are both waiting for surveys to be completed, the Kern property is finalizing a right-of-way for access to the property, and the Hutschenreuter property is waiting for a Zoning hearing to finalize the reconfiguration of the property before they can complete the easement.

### **B. Discussion of the State budget for FY 15/16.**

**DISCUSSION:** The Governor has proposed \$22 million in the State budget for agricultural preservation in FY 2015/2016 but this figure was reduced by the General Assembly which recommended \$17 million. The State House and Senate are not in agreement for funding Program Open Space (which is where the funding for agriculture comes from) and a final determination on the funding level will be made by April 13, 2015. Money will also be available for the Matching Funds Program, but depending on the amount allocated for MALPF it may be a small amount (enough to purchase a few farms). Transfer tax money is still coming in (\$160 million in 2014) but most of the money has gone to other programs in the general fund.

### **C. Discussion of release of existing buildings as per the MALPF easement.**

**DISCUSSION:** Did not discuss this item

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

### **A. News Articles**

## **IX. FUTURE MEETING DATES**

Next Meeting Date(s): May 13, 2015

## **X. ADJOURNMENT**

**Motion: To Adjourn**

**Motion by: David Sparks**

**Second by: Harriet McGinnis**

**Decision: Unanimous**

**Time: Meeting adjourned at 8:30 pm**