



KEVIN KAMENETZ  
County Executive

ANDREA VAN ARSDALE, Director  
Department of Planning

Baltimore County Agriculture Advisory Board  
Meeting Minutes  
(Minutes Approved 8/5/15)

**MEETING: June 10, 2015 Field Meeting 1:30 pm – 5:00 pm and Board Meeting – 6:30pm – 8:00 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030**

**FIELD MEETING INTRODUCTION:** The field meeting commenced at 1:30 pm.

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

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

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

**OTHERS PRESENT:** Wally Lippincott, Carmela Iacovelli, Roger Smithwick (landowner at the field meeting), Rodney Bross (landowner at the field meeting), Mr. & Mrs. Thomas Sheehan and Kirk Sheehan (landowners at the field meeting).

**RECESS: The meeting was recessed at 1:31 pm.**

**MEETING RECONVENED: The meeting was reconvened at 1:45 pm by Gail Ensor, Chair.**

**Pineau, A. Leonard & Patricia (#03-86-05AE) – 4115 Worthington Ave., Glyndon 60 +/- acres**

**Request –** for two children's lots.

**Discussion:** The Board and staff members visited this property during the field meeting. This property is under a MALPF easement. During the field meeting the Board members discussed the proposed lot locations and the impacts they may have on the viewshed as well as on the farm operation. The Board will discuss the location with the Pineau family at the evening Board meeting.

**RECESS: The meeting was recessed at 2:15 pm.**

**MEETING RECONVENED: The meeting was reconvened at 2:45 pm by Gail Ensor, Chair.**

**Smithwick, Alfred R., (00-14A) – 4800 Hydes Rd., Hydes, 102 +/- acres**

**Request –** for two (2) tenant apartments that will be built within the existing main dwelling.

**Discussion:** The Board and staff members visited this property during the field meeting and met with the owner (Roger Smithwick) on site. During the field meeting the Board members discussed the current and future plans for the horse operation with Mr. Smithwick. Also discussed was the need for tenant farm help, the number of animals that the property maintains, the duties of the tenant farmers, and current and future living arrangements for the tenant farmers to share the main dwelling on the property. This property is a co-held easement between

Baltimore County and Long Green Land Trust, so any decision that the BCALP Agricultural Advisory Board makes would be subject to the LGLT Board's approval.

**RECESS: The meeting was recessed at 3:15 pm.**

**MEETING RECONVENED: The meeting was reconvened at 3:35 pm by Gail Ensor, Chair.**

**Bross, Rodney & Sheehan, Thomas – 2502 & 2504 Monkton Rd, Monkton, 58.48 acres**

**Request** – Request for an agricultural subdivision to divide the property and create two lots of ~48 acres and ~12 acres.

**Discussion:** The Board and staff members visited this property during the field meeting and met with Rodney Bross and the Sheehan family on site. Staff (Wally Lippincott) presented the owners' request to sell 12 acres to the Sheehan's for their horse operation. The remainder (48 acres) will remain the Bross' home parcel. Mr. Lippincott reviewed the criteria for a "General Exemption" for an agricultural subdivision of a property: The request must be for Agricultural Purposes, no construction of new roads or streets, and the request must meet Zoning Regulations. The Board members discussed the agricultural operation with the Sheehan's. Their son, Kirk Sheehan, has two thoroughbred horses in training at Pimlico and will board these as well as other horses in the 8 stall barn. Kirk will become the caretaker of his parents and live with them in the house on the 12 acres.

**RECESS: The meeting was recessed at 4:00 pm.**

**MEETING RECONVENED: The meeting was reconvened at 4:35 pm by Gail Ensor, Chair.**

**B. Reis, Beth & Ronald – 21501 Middletown Rd, Freeland 12.66 acres**

**Request** – Request for verification of a farm use and for a reduced acreage farm designation on the property located at 12501 Middletown Road in order to construct a barn.

**Discussion:** The Board and staff members visited this property during the field meeting. Wally Lippincott discussed the owner's request and location for a 40' x 60' barn. The property was subdivided in 2002. The Reis' own two lots that were placed into a Land Preservation Trust easement which requires that the two lots remain in common ownership. There are substantial forest conservation/buffer easements on the larger lot with only ~ 6 or 7 acres of field left for pasture/crops. The proposed use of the barn is for a horse stable and for storage of farm machinery/equipment. The Reis' are also proposing to build a new home for their mother on the 12 acres in the fall of 2015 (which is allowed under the LPT easement). The property is currently assessed as agricultural according to the Maryland SDAT and Baltimore County Zoning has asked the Board to determine if the property has an agricultural use before issuing a permit to construct the proposed barn.

**RECESS: The meeting was recessed at 4:50 pm.**





outbuildings, and in-fee access to their lot from Gibson Road which increases the amount of land necessary to two (2) acres.

The third request to designate the existing tenant house as the main house is unnecessary. Once the main house is excluded the tenant house will become the only house on the property. So the Board does not need to make a motion on this. The second request and motion will be a recommendation of the two (2) acre home-site as a general exemption for an agricultural subdivision and that the Board find the request is for agricultural purposes.

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

The alternative will be for the Orwig’s to divide off the home site through the minor subdivision process.

**DISCUSSION:** The Board and Staff discussed the requests with the Orwig family and their representative, Mr. Bob Wilson. Topics of discussion were: the history of the farm/outbuildings, common use of the driveway vs. in-fee ownership, retaining a life estate vs. exclusion of the homesite, dividing the farm into several farmsteads of 50 acres or greater as an alternative to the 2 acre homesite. Mr. and Mrs. Orwig after a brief discussion requested that the Board consider their original requests as presented. Following the discussion, the Chair asked for a motion on the request by Mr. and Mrs. Orwig to recommend the division of the main farm house and surrounding buildings on 2 acres as ag subdivision. No motion was made which indicated the Board did not want to make a decision to approve as ag subdivision at that time.

**Request #1** – to exclude up to two (2) acres and an existing dwelling from the MALPF easement

**Motion #1:** The Board recommends the exclusion of an existing dwelling and in-fee access driveway for an up to two (2) acre homesite from the MALPF easement.

**Motion by: John Merryman**

**Second by: Russell Berk**

**Decision: Unanimous approval**

**Request #2** - to request approval of the subdivision of the up to two (2) acre release as a “General Exemption” for an Ag Subdivision.

**Motion: No Motion made**

**Motion by:**

**Second by:**

**Decision:**

**D: Nash, Carl & Sandra (03-94-01) – 16709 Cedar Grove Rd., Sparks, MD 86+/- acres**

**Request** – Board review of a lot location for a child’s lot for their son Larry C. Nash.

**DISCUSSION:** Wally Lippincott gave the Board an overview of the request. The Nash’s had a previous BCALPAB recommendation for two children’s lots in almost the same location (on the east side of the property on the edge of the field/forest area on April 8, 2008). A new plan was submitted to EPS/EIR and a wetland delineation was done to determine if there are any wetland areas or environmental issues with the site. There are no wetlands in the area of the proposed lot and the Nash’s have indicated that they would like to preserve the crop land and locate the lot mostly in the wooded area. The proposed access will be an in-fee access. Mr. Doak (the Nash’s engineer) indicated that the Nash’s may need additional acreage to accommodate the dwelling, any outbuildings, septic, and in-fee access. The Nash’s are also asking that the Board find that the request is for agricultural purposes. Below are the criteria for the Board’s review for a general exemption for an agricultural 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

**Motion #1: The Board recommends the request for a child’s lot in the location shown on the aerial map, verifies that the property has a current and proposed agricultural use, and that the proposed request for a child’s lot is for agricultural purposes and recommends the request as an agricultural subdivision.**

**Motion by: David Sparks**

**Second by: Russell Berk**

**Decision: Unanimous approval**

**Motion #2: The Board recommends amending the original recommendation of April 8, 2008 to permit up to 2 acres, if justified for the child’s lot.**

**Motion by: Russell Berk**

**Second by: John Merryman**

**Decision: Unanimous approval**

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

#### **A. Smithwick, Alfred R., (00-14A) – 4800 Hydes Rd., Hydes, 102+/- acres**

**Request** – for two (2) tenant apartments that will be built within the existing main dwelling

#### **Background**

Mr. Smithwick is requesting the Board’s consideration and recommendation of two (2) tenant apartments that will be constructed within the existing main dwelling. The property is under an easement co-held by Baltimore County and the Long Green Land Trust and as Grantees, both parties will need to review and approve of this request. The Deed of Easement language in section II.S. states that: **“The total number of residential structures on the property shall never exceed four (4) specifically one principal frame residence and three (3) farm tenant trailers. No additional residential structures shall be erected on the property except that a new residential structure may replace the existing principal residence subject to the approval of the Grantees on size and location. Also one permanent tenant building may replace the three trailers subject to the approval of the Grantees based upon the documentation of a need for a tenant farmer.”**

Mr. Smithwick stated in the request letter that he needs help on the farm in order to operate and maintain the farm for hay production, mowing, landscaping, fence maintenance, building repair and other activities. There is also a boarding business operated by Looking Glass Stables, LLC on the property with ~15 horses boarding. The three tenant trailers that were on the farm prior to establishing an easement were removed from the property in 2008.

Wally Lippincott provided a history and overview of the request. This farm is 102 acres in size, operates primarily as a leased horse operation currently operated by Looking Glass Stables. There are also ~ 70 acres of fields leased to the Dietz family for hay production. The request is for two tenant apartments to be located in the existing main house. The request is before the BCALPA Board to determine the agricultural issue of whether there is a need/justification for two tenant farmers for the Smithwick operation.

**DISCUSSION:** Mr. Smithwick, his legal representative (Michael McCann), and two prospective tenant farmers (Ellen Horner & Troy Lively) addressed the Board and answered questions regarding the current operation of the property and the proposed changes to the horse operation. Mr. Smithwick is proposing to bring in the two tenant farmers to operate a boarding/training facility under his ownership. He anticipates having a significant number of horses boarding and training on the property and will continue to lease the fields for production. His current tenants will vacate the property by September 1<sup>st</sup>. Ms. Horner and Mr. Lively will occupy the tenant apartments that are proposed for the



basement and second floor of the main dwelling. John Merryman stated that he sees plenty of work for 2 people so he is supportive of the request and asked that Mr. Smithwick provide the Board with a list of potential applicants for boarding.

**Motion: The Board recommends the request for two tenant apartments within the existing dwelling subject to the list of potential clients for horse boarding.**

**Motion by: John Merryman**  
**Decision: Unanimous approval**

**Second by: Harriet McGinnis**

**B. Reis, Beth & Ronald – 21501 Middletown Rd, Freeland 12.66 acres**

**Request** – Request for verification of a farm use and for a reduced acreage farm designation on the property located at 12501 Middletown Road in order to construct a barn

**Background**

Mr. and Mrs. Reis are requesting the Board’s consideration and recommendation of a Reduced Acreage Farm designation for their property in order to construct a barn. The property is under an LPT easement that allows for the construction of “**non-residential structures designed, constructed and utilized in connection with the Agricultural uses of the Property.**”

The barn will be approximately 40’ x’60’ and will be used as a stable for horses and for storage of farm machinery/equipment. The farm is currently in crops but is being converted to pasture for keeping horses. The owners currently own the adjoining 40 acres which is also under the LPT easement which requires that the two parcels remain in common ownership. The property is assessed as an agricultural property according to the Maryland SDAT.

**DISCUSSION:** Bruce Doak (Engineer representing the Reis’) addressed the Board. All of the existing structures on the 12 acre parcel have been demolished and the area is being prepared for rebuilding of the house and barn. This request is before the Board because the placement of the barn will be at the front/side of the new dwelling. The proposed use of the barn will be for horses and the fields are currently being converted to pasture. Ann Jones advised Mr. Doak that he must inform LPT of the changes that are occurring on the property.

**MOTION: The Board recommends approval of the request for a barn and verifies the legitimacy of the farm use on the property.**

**Motion by: David Sparks**                      **Second by: John Merryman**  
**Decision: Unanimous approval**

**C. Bross, Rodney & Sheehan, Thomas – 2502 & 2504 Monkton Rd, Monkton, 58.48acres**

**Request** – Request for an agricultural subdivision to divide the property and create two lots of ~48 acres and ~12 acres.

**Background**

Mr. Rodney Bross is proposing an agricultural subdivision of 12 acres of his 58.48 acre property. The 48 acre remainder of the Bross property will become his home farm. The proposed 12 acre subdivision has a dwelling (2504 Monkton Road) and a barn associated with it and is to be purchased by Captain and Mrs. Thomas Sheehan, neighbors of Mr. Bross. The Sheehans are in their 80’s and plan on living in the house with their son who will be their caretaker. They are looking for a property large enough for their son to raise horses and feel that this property will allow them to do so. The property is currently in pasture.

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 and Staff, discussed the request with the landowners. The Sheehans and their son Kirk Sheehan own horses that are currently boarded off site. Kirk Sheehan is a horse trainer with two horses at Pimlico. The family would like to board the horses in the 8-stall barn that is located on the 12 acres.

**Motion:** The Board recommends the request for a “General Exemption” as an agricultural subdivision, verifies that the property has a current and proposed agricultural use, and that the proposed request is for agricultural purposes.

**Motion by:** Harriet McGinnis  
**Decision:** Unanimous approval

**Second by:** Russell Berk

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

##### Zoning Issues or Enforcement

None

#### V. PROGRAM POLICY

- A. MALPF Policy for Release of Existing Dwellings
- B. Review of Criteria for a Closed Meeting
- C. Review and Discussion of MALPF’s Violation Policy

#### VI. OLD BUSINESS – Updates:

- Price, Richard (03-82-07B)** – Extension of preliminary release for a child’s lot for Jocelyn Price
- Peters, William & Craig (03-80-03)** – Easement Violation
- Elligson, John & Timothy (03-80-04B)** – Adjustment of easement boundary line
- Reade, Eleanor (03-94-12A)** –Donation of 1.675 acres to the MALPF easement
- Ensor, Peter (03-94-09)** – Withdrawal of child’s lot request/request for refund of payback

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

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

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

- A. News Articles
- B. Discussion of Certification Report

**DISCUSSION:** Wally Lippincott provided the background and highlights of the FY 12-14 Certification Report that was submitted to MALPF. This report is provided to the State every three years for eligibility for State matching funds. Highlights include: Conversion of farmland to other uses (470 acres), Number of building permits in APPA (2%), Accomplishments (2,500 acres preserved for a total of 62,252 ac.), 80,000 acre goal will be reached by 2032 (Net loss/gain very slow), Inspections (meeting requirements), Funding (collected \$155,000 in transfer taxes - lowest amt. in 20 years - and spent \$3.5 M total funds in 2012 and \$5M total funds in 2013.

- C. Letter from the Baltimore County ALPAB to the State w/comments regarding the new Violation Policy



**IX. FUTURE MEETING DATES**

Next meeting date(s) will be in August.

**X. ADJOURNMENT**

**Motion: To Adjourn**

**Motion by: Russell Berk**

**Second by: David Sparks**

**Decision: Unanimous**

**Time: Meeting adjourned at 9:00 pm**