



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Minutes
(Minutes Approved 2/10/16)

MEETING: January 13, 2016 Field Meeting 2:30 pm – 4:00 pm and Board Meeting – 6:00 pm – 8:00 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030

FIELD MEETING INTRODUCTION: The field meeting commenced at 2:30 pm.

Motion: Gail Ensor Second: Russell Berk Decision: Unanimous Approval

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

MEMBERS ABSENT: Ann Jones, David Martin, Scott Welsh

OTHERS PRESENT: Wally Lippincott, Joe Wiley, Kaylee Justice, Alex Levering (daughter of landowners at the field meeting), John Merryman (brother of landowner at the field meeting), and David Beachler (landowner at the field meeting).

RECESS: The meeting was recessed at 2:30 pm.

MEETING RECONVENED: The meeting was reconvened at 3:00 pm by Gail Ensor, Chair.

Levering, Ernest & Anne (BC #02-21) – 14025 Old Hanover Road, Reisterstown 173.1 +/- acres

Request – Request to relocate Colonial Gas access easement.

Discussion: The Board and staff members visited this property during the field meeting and met with Mr. Levering's daughter, Alex Levering, on site. Staff, Board Members, and Alex Levering discussed the location of the proposed driveway. Alex Levering said that the existing driveway would be planted over after it was moved. Alex Levering continued to say that there was no stream located at the site of the newly proposed driveway and that they are working with someone to address drainage. Alex Levering then said that there would be only 1 additional sign for the new entrance to Colonial and a gate that they will close when Colonial exits the property.

RECESS: The meeting was recessed at 3:09 pm.

MEETING RECONVENED: The meeting was reconvened at 3:40 pm by Gail Ensor, Chair.

Merryman, Edwin (03-94-03) 1301 Cold Bottom Rd. 80+/- acres & Merryman, Ann 03-99-10– 1300 Cold Bottom Rd., Sparks, MD ~112.4 acres

Request – Board review of a lot line/boundary line adjustment

Discussion: The Board and staff members visited this property during the field meeting and met with Mr. John Merryman, brother of Mr. Edwin Merryman on site. Staff (Wally Lippincott) presented the owner's request for a lot line adjustment in the location as shown on the map. Mr. John Merryman showed the Board/Staff members the location of the property requesting a lot line adjustment. The Board members had no further concerns or questions regarding the lot line adjustment.

RECESS: The meeting was recessed at 3:55 pm.

MEETING RECONVENED: The meeting was reconvened at 4:25 pm by Gail Ensor, Chair.

Beachler, David – 3630 Southside Avenue, Phoenix 8.4+/- acres

Request – Code Enforcement Issue- Complaint regarding a chicken coop

Discussion: The Board and staff members visited this property during the field meeting. Landowner, David Beachler, met with staff and Board members to discuss the operation of the farm and the complaint given by the neighboring property. Mr. Beachler mentioned that he previously had several roosters, which he has gotten rid of due to another neighbor's comment regarding noise. The Staff questioned Mr. Beachler on the amount of sales that take place from the products of the farm. Mr. Beachler stated that he occasionally sells eggs and lambs. The Board raised a question about a visible line in the ground and Mr. Beachler indicated that it was for solar use. The Board had no further questions or concerns.

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

BOARD MEETING AT THE BALTIMORE COUNTY CENTER FOR MARYLAND AGRICULTURE

BOARD MEMBERS PRESENT: Gail Ensor, John Merryman, Russell Berk, Scott Welsh

MEMBERS ABSENT: David Martin, Ann Jones

OTHERS PRESENT: Wally Lippincott (Staff), Joe Wiley (Staff), Kaylee Justice (Staff)

INTRODUCTION: The meeting was reconvened at 6:00 pm by Gail Ensor, Chair.

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

A. Approval of Minutes of: November 4, 2015.

Motion: To approve the minutes of November 4, 2015 as presented.

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items.

The review of MALPF Easement Landowner Request "Lydistone" is postponed until the next meeting.

Background: Mr. Ned Halle on behalf of Mr. Schuster submitted a request for approval of a horse breeding and training facility and a dwelling envelope. See December 11, 2015 letter. He also provided aerials that show the proposed locations of the facilities and a dwelling envelope.

Ms. Cable of MALPF advised Mr. Halle that the “proposed horse operation and facilities on the MALPF property seem to fit within the permitted uses allowed, with approval from both the county and MALPF staff.” See November 20, 2015 letter.

The MALPF easement unlike Rural Legacy or Federal easements do not contain a building envelope or restrict the size of a dwelling. The materials submitted indicated a proposed 7,000 square foot dwelling. This dwelling will be replacing an existing dwelling so the location will require either a MALPF Administrative review or a Foundation Board recommendation regarding the proposed location. While this raises concerns about taking land out of production for a large dwelling and accessory structures such as a garage, pool, tennis courts, etc. there is no direct prohibition on such uses. The easement does in Section B. (1) state “The above described land shall be managed in accordance with sound agricultural soil and water conservation practices so as to promote the agricultural capability of the land....”

As background, MALPF generated a Uses Policy to cover uses that involve components that are of a nature that result in activities or infrastructure that might conflict with the purpose of the easement. For example, retail uses associated with a farm store conflict with the prohibition on commercial uses but is permitted subject to a limitation on scale and parking.

MALPF includes Horse Boarding, Training, Riding Lessons and Horse Shows within its Uses Policy. The Policy (attached) indicates by way of note at the bottom of the page that new facilities are to be reviewed and approved. The chart also indicates that “Any use requests that raise **questions of scale** to the county advisory board and/or MALPF staff will be referred to the Board of Trustees.” The Uses policy also indicates that no more than 4% of the property or 2 acres, whichever is smaller can be used for parking. In this case the limitation is 2 acres.

This farm is and has historically been used for crop and dairy production. It is part of a large expanse of cropland that includes the adjacent farms. The request is for approval of Boarding and Training facility with a 1.3 acre Outdoor Arena, 150’ by 220’ Indoor Ring, 10,000 square foot 24 Stall Horse Barn, and 150 x 100 Service Barn within an approximately 11 acre area. The area is composed of 100% Class I, II, III soils. The submitted materials do not provide information on amount of impervious surfaces associated with the structures.

MALPF requires that materials submitted for approval shall indicate whether the request has obtained all other County approvals. Staff has been advised by the Zoning Office that as indicated in the Baltimore County Zoning Regulations 1AO1.2.C.2. Animal Boarding places require a Special Exception. This approval has not been obtained. The request has been submitted to the Department of Environmental Protection and Sustainability for its review.

Motion: To postpone this item until the next meeting.

Motion by: John Merryman

Second by: Russel Berk

Abstain: Gail Ensor

Decision: Unanimous Approval

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. Merryman, Edwin (03-94-03) 1301 Cold Bottom Rd. 80+/- acres & Merryman, Ann 03-99-10– 1300 Cold Bottom Rd., Sparks, MD ~112.4 acres

Request– Board review of a lot line/boundary line adjustment

Background

Mr. Edwin Merryman would like the Board’s consideration and recommendation for a lot line/boundary line adjustment for 4.805 acres of his property. The 4.805 acres will be joined to the adjacent property which is owned by Ann Merryman (Ann Merryman Revocable Living Trust) and is also under a MALPF easement. The lot line adjustment follows an existing fence row and stream line. Soils in this area are primarily Class IV (HbA) with a small amount of Class II (GdB), and Class III (MaC). The remaining ~75 acres will continue to meet the State’s requirements for 60% Class I, II, and III soils. Mr. Merryman plans on selling the remaining 75 acres to his neighbor Charles Ensor, Jr.

Mr. Merryman initially received the Board’s recommendation for an Agricultural Subdivision for the property on November 20, 2007, but the request was withdrawn and was never approved by MALPF. This property went under easement in 1996 and there are no dwellings currently on the property. MALPF criteria for a “Boundary Line Adjustment” state that if no part of the land encumbered by the easement is to be released, then the Foundation may approve the request if it will either enhance or have no effect upon the agricultural operations.

DISCUSSION: See Above Discussion in Field Minutes

Motion: The Board recommends approval of a lot line boundary adjustment.

Motion by: John Merryman Second by: Russel Berk

Decision: Unanimous Approval

III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

A. Levering, Ernest & Anne (BC #02-21) – 14025 Old Hanover Road, Reisterstown 173.1 +/- acres

Request– Review to relocate the Colonial Gas access easement.

Background

Mr. and Mrs. Levering owners of Baltimore County Easement #02-21 are requesting the relocation of the Colonial Gas access easement that crosses their farm located at 14025 Old Hanover Road. The current access cuts through the farm and disturbs the farm operation and the privacy of the farm (see enclosed plat). According to the Levering’s, Colonial Gas is agreeable with the relocation of the access.

This request was also sent to Amy Grossi, Assistant County Attorney to determine if the relocation will require an amendment to the easement.

DISCUSSION: See Above Discussion in Field Minutes.

Motion: The Board recommends approval to relocate the Colonial Gas access easement.

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous Approval

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. Beachler, David – 3630 Southside Avenue, Phoenix 8.4+/- acres

Request- Code Enforcement Issue- Complaint regarding a chicken coop.

Background

Mr. Beachler received a notice of complaint from Zoning’s Code Enforcement on 12/7/2015. A neighbor complained that the chicken coop is too close to the property line. Mr. Beachler has ~27 chickens which are allowed per Zoning Regulation Section 100.6. This property has a preferential assessment as an agricultural property according to SDAT. The landowner is asking the Board to review the property for a “Rural Accessory Use” and Zoning would like a determination of whether this property has a legitimate farm use. Staff will visit the property and report to the Board.

Provisions of BCZR 100.6:

Type	Limitation	Minimum Acreage
Fowl or Poultry:		
Chickens, ducks,		
turkeys, geese, pigeons		No numerical limit,
provided that a nuisance		
is not created or allowed to exist on the property		1

Motion: The Board recommended the legitimacy of this farm to be considered as a Reduced Acreage Farm.

Motion by: John Merryman

Second by: Russel Berk

Decision: Unanimous Approval

V. PROGRAM POLICY

A. LESA

Request

Board discussion of Ranking Criteria

DISCUSSION: Wallace Lippincott presented an overview of the LESA ranking criteria and reviewed changes to previous ranking criteria. The Board and staff discussed the list of criteria and whether these should be revised. The Board indicated that points granted for farm ownership should be increased. The Board did not agree with docking points for farms that were not within the designated Agriculture Priority Preservation Area and wished to give points to properties within the APPA area. Wallace Lippincott proposed the idea of using the previous formula to come up with the formula price.

Motion: No Motion. For Discussion Only.

B. Board Review and discussion: Should Renewable Energy Generation Facilities be located on Baltimore County Agriculture Easements?

DISCUSSION: Joe Wiley gave an overview of Renewable Energy Generation Facilities. The Board members wished to receive a copy of the slides from the Presentation and confirmed that it would be beneficial to speak to Renewal Energy Generation professional. The Board's discussion points were:

- Limit the solar panels to areas with less desirable soils,
- Limit the amount of impervious surfaces, access roads, and accessory buildings associated with solar panels/facility,
- Limit or cap the percent of land allowed for solar panels,
- Maximum lease time for solar facility

Motion: No Motion. For Discussion Only.

C. Criteria for Reduced Acreage Farm/Barn Request – Board and Staff discussion of the criteria

Motion: No Motion. For Discussion Only.

D. MALPF Tenant House Designation Policy

Motion: No Motion. For Discussion Only.

VI. OLD BUSINESS – Updates: Discussion of prospective Board members.

A. Both the Nash's child's lot and the Warfield's owner's lot were approved by the state at the November 24, 2014 MALPF meeting.

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

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

DISCUSSION: No Discussion

VIII. MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

A. Vegetable Day- January 29

IX. FUTURE MEETING DATES

The next scheduled meeting date is February 10, 2016 @ 2:30 pm.

X. ADJOURNMENT

Motion: To Adjourn the meeting (@7:30 pm)

Motion by: John Merryman

Second by: Russell Berk

Decision: Unanimous Approval