



KEVIN KAMENETZ  
County Executive

ANDREA VAN ARSDALE, Director  
Department of Planning

Baltimore County Agriculture Advisory Board  
Meeting Minutes  
(Minutes Approved 3/2/16)

**MEETING: February 10, 2016 Field Meeting 2:30 pm – 4:30 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: Russel Berk      Second: Scott Welsh      Decision: Unanimous Approval**

**BOARD MEMBERS PRESENT:** John Merryman, Russell Berk, Scott Welsh

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

**OTHERS PRESENT:** Wally Lippincott, Carmela Iacovelli, Joe Wiley, Michelle Cable, Justin Harrison (landowner at the field meeting)

**RECESS: The meeting was recessed at 2:32 pm.**

**MEETING RECONVENED: The meeting was reconvened at 2: 51 pm**

**Willowdale Farm (03-96-17E) – 3100 Blackrock Rd, Reisterstown 173+/- acres**

**Request** – Board review of a farm brewery and on-site malting and hop processing facility.

**Discussion:** The Board and staff members visited this property during the field meeting and met with landowner, Justin Harrison, on site. Staff, Board Members, and Justin Harrison discussed the activity and location of the proposed on-site malting and hop processing facility. The main operations of the farm involve thoroughbred horses. Justin Harrison explained the plans to partition foaling barn for a tasting room and add a retail area; the large pole barn will be used for brewing. Justin Harrison proposed to grow malts and grain for specialty malt brewing. The parking area will be around the office, with a total of 13 required spaces. Hours of operation are to include weekends (Friday, Saturday, and Sunday) from 12-6pm with the exception of special events. Tours of the facility will also be given on the weekends. Justin Harrison explained that he was trying to obtain a Maryland Class 8 Farm Brewery license and a limited Class 7 for off-site sales. During the field meeting, Justin Harrison discussed the presence of the brewing activity on the farm and how it will not take away from other current agricultural activities.

**RECESS: The meeting was recessed at 3:30 pm**

**MEETING RECONVENED: The meeting was reconvened at 3:45 pm**

**Lydistone, LLLP (03-97-07RL) – 15423 Dover Road, Upperco 104 +/- acres**

**Request #1** – Board review of a request for an exception to permit large agricultural structures outside the “Permitted Building Area”.

**Request #2** – Board review of a request for a new horse boarding and training facility.

**Discussion:** The Board and staff members visited this property during the field meeting where Board member John Merryman gave an Overview of the property. Staff discussed that the Agricultural use will remain the same and will not change to commercial use, and the duplicate use on the adjacent properties. Staff had not yet been informed about the location of the building envelope or the proposed structures. Discussion continued regarding the site of the riding ring and the grading limit necessary. Board members discussed the existing dwellings on the property.

**RECESS: The meeting was recessed at 4:15 pm.**

## **BOARD MEETING AT THE BALTIMORE COUNTY CENTER FOR MARYLAND AGRICULTURE**

**BOARD MEMBERS PRESENT:** John Merryman, Russell Berk, Scott Welsh

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

**OTHERS PRESENT:** Wally Lippincott (Staff), Joe Wiley (Staff), Carmela Iacovelli (Staff), Michelle Cable (MALPF Staff), Ed Schuster (Contract Purchaser), Ned Halle and Ed Gilliss

**INTRODUCTION:** The meeting was reconvened at 6:00 pm by John Merryman

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

**A.** Approval of Minutes of: January 13, 2016

**Motion: To approve the minutes of January 13, 2016 as presented.**

**Motion by: Scott Welsh**

**Second by: Russell Berk**

**Decision: Unanimous Approval**

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

The review of Code Enforcement Issue- Complaint regarding sediment runoff due to construction of a barn, has been deleted.

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

**A. Lydistone, LLLP (03-97-15AE) – 15423 Dover Road, Upperco 88.2 +/- acres**

**Request #1**– Board review of a request for a new horse boarding and training facility.

### **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. Mr. Halle was advised by MALPF that his representation of Mr. Schuster was a conflict of interest. Mr. Ed Gilliss is now representing Mr. Schuster.

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 comprised of 100% Class I, II, III soils. The submitted materials do not provide information on amount of parking 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 Department of Environmental Protection and Sustainability reviewed this request and determined that it complies with their requirements.

**Discussion:** Staff, Wally Lippincott, gave the background of the Lydistone property and discussed the MALPF and Rural Legacy Easements on the properties. Ed Gillis attended the meeting to explain the request. The contract purchasers for the properties, The Schuster’s, also attended the meeting and discussed their desire to

have private equine use and structures. Staff discussed the reasoning for the building envelope on the Rural Legacy property and asked Ned Halle what the LPT has to say about the request. Ned Halle indicated that there was a conflict of interest and that the Board has no objection to the proposal because there was no impact to conservation values. Ned Halle continued to address the questions about the building envelope and mentioned that many have been done without a building area and the that desire to cluster buildings and structures in the center of the farm is not thought out enough; the steep slopes do not allow buildings to go in other areas. Staff asked if the easement need to be amended to change the building envelope. Ed Gillis stated that he wanted the Board to recommend that the building envelope be increased. Michelle Cable continued on to say MALPF easement approvals do not run with the land but she is not certain about the Rural Legacy easement, and asked if there was a way to fit in the equine facilities in by knocking down structures. Ed Gillis and Ned Halle answered by saying that it would be too tight. Michelle Cable mentioned combining the Ag structures for both farms and Ed Gillis stated that they wanted to keep them separate. Michelle Cable explained the MALPF approvals and that they do not transfer to new owners. Michelle continued on to say that the MALPF Board would want information and a letter that would describe the plan, intent, and reason for the proposed configuration. The letter would include reasoning for why the request can't be consolidated within the current building area, and an explanation of future use for the property from the contract purchaser. Board and Staff then requested a letter from the contract purchaser. Further discussion then took place on the time frame of an easement amendment and Board decision.

**Motion: No recommendation needed for personal equine use**

**Request #2 – For Background Information Only:** Board review of a request for exception to permit large agricultural structures outside the “Permitted Building Area”. Will have full information necessary for discussion/vote at the February meeting.

**Background:** Mr. Ned Halle on behalf of Mr. Schuster submitted a request for approval of a horse breeding and training facility outside the “Permitted Building Area” (PBA). Mr. Halle was advised by MALPF that his representation of Mr. Schuster was a conflict of interest. Mr. Ed Gilliss is now representing Mr. Schuster. We have been advised by MALPF that they would like the County’s Advisory Board’s recommendation.

The Rural Legacy Easement (Liber 14756 Folio 579) restricts buildings to be within the PBA with the exception of “small accessory structures, including but not limited to run-in sheds ....” (Page 581). Under the same section the easement does permit an exception to this requirement for “...reasons which the Grantees determine in their sole discretion are sufficient to justify an exception to this prohibition” (page 582).

Staff has received a revised scaled plan indicating the location of the PBA indicated in Exhibit F of the DOE but not a written justification for why the buildings cannot go in the approved PBA. Staff requested information that indicates how the resources documented in the Conservation Values in Exhibit B of the DOE will either be better protected or unchanged if permitted to expand the existing PBA.

Staff also requested copies of the recommendations of the Land Preservation Trust and DNR prior to a final decision of the Board. Lastly, as is true for the MALPF request - we advised that Zoning indicated that a Special Exception is required for boarding facilities.

**Discussion:** See Discussion for Request #1

**Motion: The Board recommends to table until the next meeting pending the letter from the Contract Purchaser.**

**Motion by: Russell Berk                      Second by: Scott Welsh**

**Decision: Unanimous Approval**

**B. Willowdale Farm (03-96-17E) – 3100 Blackrock Rd, Reisterstown 173+/- acres**

**Request:** Board review of a farm brewery and on-site malting and hop processing facility.

**Background:** Mr. Justin Harrison would like the Board's consideration and recommendation for a farm brewery and an on-farm malting and hop processing facility for his family's property. The brewery will utilize existing structures for the production facility and tasting room. The proposed brewery will be located in an existing 40' x 80' barn. The proposed tasting room will be located in 800 SF area of an existing farm office and foaling barn that is an ~20' x 40' structure. The parking area will be the area already used for parking for the farm office. Crops will be grown on site to support the brewery and include: hops, specialty grains for producing malts, fruits, berries, herbs, and honey.

The State MALPF has drafted brewery guidelines based on the winery guidelines for farm, farm-related, and farm-supporting uses. These State guidelines will be considered in the review to allow a brewery on an easement property. **Michelle Cable, MALPF Administrator for Baltimore County has advised us that some of these guidelines will be adjusted according to the scale of the operation.** They are listed below:

1. Must be approved by the local agricultural advisory board and be permitted under County regulation and zoning.
2. A valid Class 8 Maryland brewery license (the County permits Class 7 or Class 8 by Special Exception).
3. Parking area must cover no more than 4% (four) percent of the easement, or two acres, whichever is smaller. Parking area must be pervious with the exception of handicapped parking facilities required by law.
4. Size of the structure and volume of production must be in scale with the size of the farm at a rate of a maximum of 120 barrels of beer per acre. (Production from other land owned or leased by the landowner may be taken into account.)
5. A minimum of 40 acres (beer) must be planted within 5 years of approval.
6. Location of the brewery and all associated uses must limit interference with other agricultural or silvicultural production.
7. Easement owner must have an ownership interest in the operation, including sales and tasting.

For the Retail and Tasting Areas, the following additional State considerations apply:

8. Accessory sales area must not exceed 600 SF. Accessory sales are non-agricultural items such as t-shirts and corkscrews.
9. Use of existing structures is preferred.
10. All beer products samples (tasted) must be processed on-site.

For picnicking and tours, the following additional State considerations apply:

11. Picnicking area and availability of tours must be consistent with the scale of the brewery operation and must be consistent with are area's rural character.
12. Picnicking area must be adjacent to the brewery and /or retail sales facility.
13. No permanent structures may be created to support picnicking or tours.

For events, the following additional State considerations apply:

14. The number, frequency and scale of events must be consistent with the scale of the brewery operation and the area's rural character.
15. No permanent structures may be created to support events.
16. The purpose of any promotional event must clearly be to promote the brewery products.
17. A major public event is defined by the number of cars, people, days, acreage affected and facilities required. These are limited to no more than 2 events per calendar year and must be approved by the MALPF Board in advance. (The State Liquor Law permits 12 events/year.)
18. A catering facility is one that allows food prepared off-site to undergo final preparation before service, such as reheating, and can include a dining area scaled to on-site promotional events. Facility must be part of the production and/or retail structure, unless an existing structure is used. (An expansion of an existing structure must be approved by the Board and should incorporate the production and/or sales areas.)

Note: #5 above – the “40 acres” that must be planted was determined as an acreage needed to get roughly 5,000 barrels if using only barley from the farm.

**DISCUSSION:** See Field Meeting Discussion

**Motion: The Board recommends approval for the brewery for Willowdale Farm.**

**Motion by: Russel Berk**

**Second by: Scott Welsh**

**Decision: Unanimous Approval**

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

None to discuss.

**IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS**

None to discuss.

**V. PROGRAM POLICY**

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**A. LESA**

**Request**

Board review and discussion of changes in LESA form.

**DISCUSSION:** Staff discussed new Ranking regime with different discounts and how to do the rankings without knowing the 75% Fair Market Value. Discussion continued on splitting the rounds, putting money into 2 pots for Rounds 1 and 2.

**Motion: The Board Recommends approval to accept changes in the Ag Board Evaluation Ranking as submitted and to approve a selection of the farms.**

**Motion by: Scott Welsh**

**Second by: Russell Berk**

**Decision: Unanimous Approval**

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

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

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

- A. Update for the MALPF FY 13/14 properties that have not yet settled.**
- B. MALPF inspections for FY'16 are underway.**
- C. Notification for FY '17/'18 Applications.**

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

None to Discuss

**IX. FUTURE MEETING DATES**

**The next scheduled meeting date is March 2, 2016 @ 2:30 pm.**

**X. ADJOURNMENT**

**Motion: To Adjourn the meeting (@7:40 pm)**

**Motion by: Russell Berk**

**Second by: Scott Welsh**

**Decision: Unanimous Approval**