



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board Meeting Minutes

MEETING: July 12, 2017 Field Meeting 2:30 pm – 5:30 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 2:30 pm.

Motion: John Merryman

Second: Scott Welsh

Decision: Unanimous Approval

BOARD MEMBERS PRESENT: John Merryman, Scott Welsh, Stephen Myer

MEMBERS ABSENT: Gail Ensor, Russell Berk

OTHERS PRESENT: Wally Lippincott, Kaylee Justice, Joe Wiley, Ray & Sandy Frank (Landowners), Alex Speer (Landowner), Carin Celebuski, Vincent Matanoski (Landowners) and Bobby Tjaden (Associate of Landowners)

RECESS: The meeting was recessed at 2:39 pm.

MEETING RECONVENED: The meeting was reconvened at 3:10 pm.

A. Frank, Ray (BC #02-20, Iverness Farm) – 2800 Monkton Road, Monkton 92.32 +/- acres

Request- Board review of a farm brewery and hop processing facility.

DISCUSSION: Sandy and Ray Frank (landowners) gave the Board a tour of the locations for the proposed Farm Brewery on-site. Wallace Lippincott (Staff) gave an overview of the request and explained that there are two parts to the request; one being the Special Exception, and the other being that this has to comply with the Conservation Easement on the property. The Board asked if the landowners were to be growing all of the hops for the beer on the property to which the landowners responded yes. The landowners went on to discuss different opportunities on the farm such as making bread for hops and other value added products. The landowners indicated that they wish to have farm to table events that will be included in the number of events they are permitted per year. Sandy Frank went on to give an overview of the types of hops on the property which they are currently growing and gave a background on the process of picking the hops.

RECESS: The meeting was recessed at 3:51 pm.

MEETING RECONVENED: The meeting was reconvened at 4:00 pm.

B. Speer, Alex – 15845 Irish Avenue, Monkton 8.327 +/- acres

Request- Zoning verification of a “legitimacy of a farm use” on the property to construct a barn (tabled 1/11/17)

DISCUSSION: Ms. Speer gave an overview of the improvements that have been made to the property which includes fencing and clean-up of invasive plants on the property. She then gave the Board an overview of the Barn and shed(s) she would like to put on the property. She indicated that she would like to build a small house on the property in the future. The Board discussed the location of the barn. Ms. Speer indicated she chose the location for privacy from neighboring property and that there would be no more than 3 horses at a time on the property, and possibly goats.

RECESS: The field meeting was recessed at 4:12 pm.

MEETING RECONVENED: The meeting was reconvened at 4:20 pm.

C. Matanoski, Vincent & Celebuski, Carin (03-00-07AE) – 3906 Hess Road, Monkton 74 +/- acres

Request- Board review of Farmer’s Roadside Stand Request.

DISCUSSION: Ms. Carin Celebuski (Landowner) gave an overview of the request and indicated that they wish to have the Farmer’s Roadside Stand open on Thursday’s, Friday’s, and Saturday’s and wish to sell flowers, honey, and eggs all produced on-site. She indicated that she would eventually like to sell cheese from goats on-site as well as possibly selling products from local farms who produce specialty items and do not have road-frontage to do so. The Board asked about the amount of products produced on-site and the landowners indicated that they have a 1 acre garden for flowers, they produced 60 lbs. of honey this year, and 80 lbs. of honey the previous year. Ms. Celebuski shared that any signage on the property would be small and would likely be a 2x2 sign.

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

BOARD MEETING AT THE BALTIMORE COUNTY CENTER FOR MARYLAND AGRICULTURE

BOARD MEMBERS PRESENT: John Merryman, Scott Welsh, Stephen Myer

MEMBERS ABSENT: Gail Ensor, Russell Berk

OTHERS PRESENT: Wally Lippincott (Staff), Joe Wiley (Staff), Kaylee Justice (Staff), Mike Ruby (County Chronicle)

INTRODUCTION: The meeting was reconvened at 6:30 pm by John Merryman.

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

A. Approval of Minutes of: January 11, 2017 and March 8, 2017

Motion: To postpone approval the minutes of January 11, 2017 and March 8, 2017

Motion by: John Merryman Second by: Scott Welsh

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items.

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. Matanoski, Vincent & Celebuski, Carin (03-00-07AE) – 3906 Hess Road, Monkton 74 +/- acres

Request- Board review of Farmer’s Roadside Stand Request.

Background: Mr. Vincent Matanoski and Ms. Carin Celebuski are requesting the Board review and recommendation of a Farmer’s Roadside Stand on their property located at 3906 Hess Road in Monkton (Ladybrook Farm). The owner has indicated that 50% of the produce sold at the stand will be grown their farm or on adjacent farms or other property that they own as required. At the Farmer’s Roadside Stand, the landowners plan to offer cut flowers, honey, and eggs all produced on the premises. The landowners have also indicated the potential of selling organic vegetables grown by a nearby farmer in Monkton. The landowners have provided a rendering of what the stand will look like, as well site plan which shows that the 20x40 ft. stand will be located at the edge of the private farm road.

Zoning Requirements (BCZR 404.4)

1. Located on a farm
2. Owner shall be agricultural producer
3. At least 50% of produce sold annually shall be grown on (a) premises where stand is located, (b) adjacent (Webster's definition- next door or nearby), or (c) other property owned by applicant.
4. Zoning Affidavit allows for request for review of production-related records associated with the property from landowner (see attached).

DISCUSSION: John Merryman gave the overview of the request. See Field Meeting discussion.

Motion: The Board recommends approval of the requested Farmer's Roadside Stand.

Motion by: Stephen Myer Second by: Scott Welsh

Decision: Unanimous Approval

B. Zodhiates, Mary & Ciman, Richard (03-06-10) - 4209 Beckeysville Road, Hampstead, 53.59 +/- acres

Request – Board review of ground mounted solar panels (existing) for residential use

Background: Ms. Zodiates and Mr. Ciman are requesting the Board review and retroactive approval of a ground mounted solar array request. The landowners have indicated that the energy produced from the array is used only for residential and farmhouse purposes. The system is one solar array and, according to the landowner, the system has produced \$250/year. A BG&E energy bill has been provided from the landowners and a site visit was conducted by staff on 4/26/17. Photos to be provided at meeting.

MALPF Alternative Energy on Easement Properties General Guidelines:

In order for MALPF to consider the request, additional information will be needed. The big picture issues to address are if there are any acres coming out of production, assurances that the majority of energy generated will only be used on-site, and is the power generated used only on the specific property for the agricultural and/or residential uses of the easement property (or possible on another MALPF easement property owner same ownership). The MALPF Board allows for energy to be generated up to 125% of the on-site usage, with the landowner allowed to be reimbursed by the Power Company for the amount (up to 25%) of the excess power generated.

The MALPF Board designated the authority to approve alternative energy requests for on-farm use to MALPF staff if the request follows the guidelines and there is nothing about the request that is unique/outside of previously approved alternative energy installation approvals.

DISCUSSION: Joseph Wiley (Staff) gave an overview of the request.

Motion: The Board recommends approval of ground mounted solar panels (existing) for residential use.

Motion by: Stephen Myer Second by: Scott Welsh

Decision: Unanimous Approval

III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

A. Frank, Ray (BC #02-20, Iverness Farm) – 2800 Monkton Road, Monkton 92.32 +/- acres

Landowner Statement/Background: Mr. Ray and Sandy Frank would like the Board's consideration and recommendation for a Class 8 farm brewery and hop processing facility for their family's property. The brewery will utilize existing structures for the hop processing room, brewery room and tasting room. The proposed brewery (approx. 39' x 26') and tasting room (approx.. 68' x 36') will be located in existing barns. Crops will be grown on site to support the brewery and include: hops, barley (next year). Large events will not exceed 12 per year to promote brewery products. Food will be provided by caterer, prepared in modest kitchen facilities that could be installed as part of the brewery conversion, and/or include farm-raised products such as owner's pit beef, corn, tomatoes, homemade bread from malt

used in brewing. An accessory sales area for promotional items will be located in the tasting room area (not to exceed 600 sq. ft.). The existing parking area will be used to accommodate 35 spaces with handicap designated parking.

Review Criteria & Review: The farm was placed under a Baltimore County Easement in 2002 by Ray and Sandy Frank. Permitted uses on Baltimore County Easements utilize the MALPF Guidelines for Requested Uses. A Class 8 farm brewery is also governed by State Law and requires a Special Exception approval by Baltimore County Zoning.

Baltimore County Easement Requirements based on the MALPF Uses require a decision of the Advisory Board as to the appropriateness of the use and specific standards. The decision on appropriateness is to decide whether the requested use is agricultural related or a nonagricultural use.

Appropriateness Standards for Advisory Board Consideration:

- 1. The proposed use is a farm or forest related use - Agric. § 2-513(b); COMAR 15.15.07;**
- 2. The proposed use “conflicts with the overall purpose of the easement to preserve the farm for agricultural use and as open-space land” - COMAR 15.15.07; AND**
- 3. The proposed use has an historical relationship to farming - COMAR 15.15.07.17.G(3)(c); OR**
- 4. The proposed use is a home occupation**

All Requested Uses are subject to:

1. Must be permitted under County regulation and zoning.
2. Uses as limited by COMAR 15.15.07.01.
3. Limitations as indicated in easement for Federal easements.
4. Easement owner must have an ownership interest in the operation, including sales and tasting.
- 5. Location of the brewery and all associated uses must not interfere with other agricultural or silvicultural activities.**
- 6. Location of the brewery and all associated uses must not limit future agricultural or silvicultural production.**
- 7. Any requested use shall be limited in scale to those appropriate to the size and location of the farm with consideration given to surrounding land uses. Shall also consider the frequency of the use.**
8. Parking area for all approved activities may be 1 acre, and up to 2 acres if the request demonstrates the need for the larger area. Parking area must be pervious with the exception of handicapped parking facilities required by law. Any required impervious surface shall not exceed 5,000 square feet. Parking area for any activities conducted within the 1 acre surrounding a pre-existing dwelling is limited to that surrounding 1 acre.
9. Accessory sales must not exceed 600 (six hundred) sq. ft. and in no case shall be greater than the area used for the sale of agricultural and forestry items.

Standards for Requested Use: On Farm Processing.

- 1. Some (50% or less) of the products must from crops grown on site; the remainder must come from crops grown in Maryland or regionally produced (Maryland, Virginia, West Virginia, Delaware, Pennsylvania, or Washington, D.C.).**
2. Alcohol producers must comply with COMAR 03.02.01, Alcohol Beverages (Tax).

Standards for Events:

1. The event must be farm or forest related.
2. The number, frequency and scale of events must be consistent with the scale of the brewery operation and the area’s rural character.
3. A Brewery promotional event permit as defined by Maryland Code for a Farm Brewery is required and limits the total number of events to 12 per year. This permit is obtained from the State’s Comptroller.
4. If impacted, any farm or forested area must be maintained or restored to its original condition.
5. No permanent structures may be created to support events.
6. Food for events may be provided through a catering service (including food trucks), with final preparation on – site.

Standards of Food Preparation and On-site Sales:

1. Must be integral to, support, and market the principal agricultural operation.
2. Seating area is limited to 1,000 sq ft of a permanent roofed structure.
3. Square footage of accessory sales may be co-mingled within the seating area.
4. Total size of food preparation and on-site sales/seating area must be reviewed and approved, which will consider the size of the facility in proportion to the agricultural operation.

Miscellaneous Standards - Conditions for Picnicking:

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

Maryland State Regulations for Class 8 Brewery

A valid Class 8 Maryland brewery license (the County permits Class 7 or Class 8) is required and may limit the operation and what is granted above. For example, see limitations on food items that can be served.

Baltimore County Zoning Special Exception (BCZR)

The following comments are those that have been submitted on a prior brewery request and will be submitted for consideration for this request.

- Building permits must be obtained prior to the construction of any structures specific to the brewery operation. The petitioners shall submit architectural elevations to include a materials list to the Department for approval prior to the issuance of permits.
- Parking meeting the design requirements of BCZR § 409.8 shall be provided at 1 space for each employee on the largest shift combined with a minimum of 10 additional spaces to accommodate ancillary consumption of beer and sales and service of food.
- A lighting plan shall be submitted to the Baltimore County Landscape Architect for approval prior to the issuance of any building permits. The lights shall be in operation from dusk until 1 hour after the close of the brewery for the consumption of beer and sales and service of food (7 p.m.) or the close of a brewery temporary promotional event (11 p.m.).
- Any signage visible from the public road shall be subject to BCZR § 450.4. "6. Identification" but shall not be internally illuminated nor externally illuminated beyond the close of the brewery for the consumption of beer and sales and service of food (7 p.m.) or the close of a brewery temporary promotional event (11 p.m.).
- The Petitioners shall document through the hearing process and by note on the plan the types and minimum amounts of agricultural product to be produced on the licensed farm.

BCZR 1A01.2C.30.j. permits temporary promotional events on breweries. To ensure that the brewery use will not be detrimental to the primary agricultural uses in the area and that the said use remains within the intent of the special exception the Department recommends that the Administrative Law Judge limit 1-day temporary promotional events to 6 per calendar year. Additional 1-day temporary promotional events per calendar year beyond 6 days, up to 12 days total, shall be subject to review by the Department of Planning. The Department recommends the following condition: The number of 1-day temporary promotional events allowed under the grant of the special exception shall be limited to 6 days per. Additional 1-day temporary promotional events beyond that, up to 12 days total per calendar year, shall be subject to review by the Department of Planning.

DISCUSSION: Wally Lippincott (Staff) gave an overview of the request. The Board discussed the events and hours that the operation will take place. The Board went through the above Appropriateness Standards and agreed that the operation meets all four of the listed points of consideration.

Motion: The Board recommends approval of a Class 8 Farm Brewery operation subject to all the criteria with the exception of picnicking as listed above.

Motion by: Stephen Myer **Second by:** Scott Welsh

Decision: Unanimous Approval

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. Speer, Alex – 15845 Irish Avenue, Monkton 8.327 +/- acres

Request- Zoning verification of a “legitimacy of a farm use” on the property to construct a barn (tabled 1/11/17)

Background: Mrs. Speer would like the Board’s consideration and recommendation for verification of a “legitimacy of a farm use”, in order to construct a barn on her property to support his agricultural endeavors. The barn would be used to foster horses. The property is tax assessed as Agricultural and is zoned RC2. Mrs. Speer attended the January 11, 2017 Ag Board meeting in which her request was tabled. The Board tabled the request pending the submittal of a letter(s) documenting that there would be a source for receiving the transitional horses for the proposed facility. Mrs. Speer was not able to produce such letters; however, improvements have been made to the property and she would like to be re-considered for the reduced acreage farm request. (See attached photos).

DISCUSSION: John Merryman (Board member) gave background of request. See Field Meeting Minutes.

Motion: The Board recommends approval of the verification of a “legitimacy of a farm use” for general farm use on the property to construct a barn.

Motion by: Stephen Myer **Second by:** Scott Welsh

Decision: Unanimous Approval

V. PROGRAM POLICY

A. Field Visit Discussion

DISCUSSION: Postponed

B. Agenda Layout Discussion

DISCUSSION: The Board was in favor of the new Agenda layout.

VI. None to discuss.

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES- Board updates on the status of the following easement violations (For informational purposes only):

A. Inspection Updates

DISCUSSION: Joseph Wiley (Staff) gave an overview of status of inspections.

B. FY ’17 Easement Cycle Updates- Allocation of Funds Update

DISCUSSION: Wally Lippincott (Staff) gave an overview of this round of the MALPF easement cycles.

VIII. MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

A. News Articles

DISCUSSION: No discussion

B. Family Farm Day- September 24, 2017

DISCUSSION: No discussion

C. LPC Retreat Update (See Agenda)

DISCUSSION: No discussion

D. Wismer, Ralph and Anne- Barn Photos

DISCUSSION: Update on Barn on property

E. County Board Letterhead Discussion (See Letterhead Example)

DISCUSSION: The Board was in favor of the letterhead.

IX. FUTURE MEETING DATES

The next scheduled meeting date is August 9, 2017.

X. ADJOURNMENT

Motion: To Adjourn the Board meeting (@7:20 pm)

Motion by: Stephen Myer Second by: Scott Welsh

Decision: Unanimous Approval