

KEVIN KAMENETZ County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board Meeting Minutes

MEETING: April 11, 2018 Board Meeting – 6:30 pm – 8:34 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030

FIELD MEETING INTRODUCTION: No Quorum.

BOARD MEMBERS PRESENT: Gail Ensor, Stephen Myer

MEMBERS ABSENT: Scott Welsh, John Merryman, Russell Berk

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

BOARD MEETING AT THE BALTIMORE COUNTY CENTER FOR MARYLAND AGRICULTURE

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

BOARD MEMBERS ABSENT: Russell Berk

OTHERS PRESENT: Wally Lippincott (Staff), Joe Wiley (Staff), Anne Jones (Land Preservation Trust), Fernando

Ramirez (Landowner), Sabastian Ramirez (landowner Child)

INTRODUCTION: The meeting was opened at 6:41 pm by Gail Ensor.

I. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

A. Fernando Ramirez (BC 10-05) -1905 Bond Road, Parkton. 66.78 acre.

Request – Board review and approval for a child's lot on a Baltimore County Agricultural Easement.

Background: This property is under a Baltimore County Agricultural Easement. The easement settled October 2010. There have been no requests since the approval of the easement. It is leased for grain.

The easement provides the right for a child's lot for 1 acre but may exceed if necessary for well and septic. The applicant shall submit a request for the location subject to approval of the Advisory Board and County that it will have minimal impact on the agricultural capability of the farm. The child is required to live in the house for one year and to pay back the easement value for the acreage removed from the easement.

DISCUSSION: Wally Lippincott (Staff) gave an overview of the property and request. There are two request, 1) Request for Child's Lot & 2) General Exemption for Agricultural Purposed. All paperwork received and in good order. Lot chosen to comply with county standards. Option brought up by the landowners of instead of child's lot, since main house is separate from the farm, make the proposed house non-subdividable. Board recommends moving house to north east corner for safety and privacy concerns in future. Landowner agrees with the new location and new recommendation to make the proposed house the non-subdividable lot.

Motion 1: Recommend a one acre lot, up to two acres, approval for childs lot, as shown on exhibit A.

Motion by: John Merryman Second by: Steve Myer

Decision: Unanimous Approval

Motion 2: To recommend approval for an agricultural subdivision of the child's lot at 1905 Bond Rd, if needed.

Motion by: John Merryman Second by: Steve Myer

Decision: Unanimous Approval

Modification to Motion 2: Approval to amend the motion to read as follows: "To recommend approval for an agricultural subdivision of the child's lot at 1905 Bond Rd, if needed to conform with the terms with the county easement."

Decision: Unanimous Approval

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

A. Approval of Minutes of: January 10, 2018

Motion: To approve minutes of January 10, 2018.

Motion by: John Merryman Second by: Scott Welsh

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items.

Knoche was taken off the agenda/ on hold.

III. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. James L. Ensor, Jr. (03-80-87)– 1003 Cold Bottom Road, Sparks 84 +/- acres

<u>Request</u> – Confirmation of Approval of Ag Subdivision for County DRC. Board review of prior approval of Ag Board and MALPF approvals for child's lot and vote on Agricultural Subdivision for County.

Background: James L. Ensor, Jr. is requesting the release of the existing dwelling for his son Jamie Ensor. The farm is the headquarters for Cold Bottom Farms with the grain storage and offices on this farm.

The BCALPAB reviewed and recommended approval of this request at its November 6, 2013 Advisory Board Meeting. The request could not go forward at the State end until Mr. James Ensor and Mr. Charles Ensor resolved a violation of subdividing the original 147 acre easement without MALPF approval. That issue has since been resolved and now the request for the release of the existing dwelling can proceed. The State is processing the release request as indicated in a May 1, 2017 letter from Michelle Cable of MALPF.

The landowner is now moving forward with the subdivision of the existing dwelling and 1.549 acres so as to record the lot in the land records. The County Department of Environmental Protection and Sustainability, Groundwater Section, has asked for some additional information and testing relating to the septic reserve. Once that is complete the request can go to the Development Review Committee for consideration of a General Exemption (32-4-415). The approval of the Exemption requires that it be for agricultural purposes, no new roads or streets and meets zoning requirements.

DISCUSSION: Wally Lippincott (Staff) gave an overview of the request. Existing house but septic system not up to county standards, and the last percs did not pass.

Motion: To determine the requested release of an Existing Dwelling from a MALPF easement is for agricultural purposes.

Motion by: John Merryman Second by: Scott Welsh

Decision: Unanimous Approval

B. Dorothy White, Whitelyn Farm (03-17-1)-5101 Hydes Road, Hydes. 301 +/- acres

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<u>Request</u> Board review of to place an easement overlay for stream restoration on 2.38 acres.

<u>Background:</u> This property was placed under easement in March 2017. This is the first request since approval of the easement. The farm is an active dairy farm.

The request today is to place an easement overlay on 2.38 acres, more or less, for the purpose of restoring the stream and providing stream buffers. The proposed restoration will "consist of stream bank/bed stabilization, stream buffer reforestation and livestock exclusion fencing." The project will be run by GreenVest, LLC. They indicate that the project will have minimal impact on productive farmland and will be of benefit through the stabilization of the stream thus reducing further loss of topsoil and flooding to adjacent cropland. This project is part of a larger stream restoration project on two adjoining properties not subject to MALPF easements.

The project is for the benefit of the Maryland Department of Transportation – State Highway Administration (SHA). The SHA is seeking to fulfill its requirements to meet stormwater requirements (MS4) to "treat" 20% of their impervious surfaces......

DISCUSSION: Wally Lippincott (Staff) gave an overview of the request. Scott has questions who was paying for the project to which Steve answered the state. Board discusses if stream restoration is actually needed, all agree that this is legitimately needed. Overall discussion of the stream restoration program.

Motion: To recommend to MALPF to permit a 2.38 acre, more or less, overlay easement on the Whitelyn farm for the purpose of restoring a stream on-site.

Motion by: John Merryman Second by: Steve Myer

Decision: Unanimous Approval

Motion: To ask MALPF to review the deed of easement language, in particular sections about no motor vehicles and no notification before entering property.

Motion by: Steve Myer Second by: John Merryman

Decision: Unanimous Approval

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. Mark & Florence Germain – Property Address: 3637 Black Rock Road, Upperco. 81.18 +/- acres Request— Board review and recommendation to PAI, Zoning Office, for approval for designation of existing house and apartment as tenant houses.

Background: This property is under a Piney Run Rural Legacy Easement. The property is used for equestrian purposes. The new landowner is demolishing the existing dwelling and constructing a new dwelling in essentially same location as the old structure. In obtaining permits it was noted that there is a second building on farm.

The property owner has indicated that they are operating an equestrian facility that includes boarding, training and showing. They also grow approximately 28 acres of hay. One of the trainers is also the farm manager who looks over the horses and handles the farm maintenance.

The requirements for a tenant house in Baltimore County are that the farm must justify the need for a "full time" tenant..

DISCUSSION: Wally Lippincott (Staff) gave an overview of the request. The Board observed the farm operation and found the request to be a legitimate farm-use.

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Motion: To recommend to PAI to approve an existing dwelling and apartment as a tenant houses.

Motion by: Steve Myer Second by: Scott Welsh

Decision: Unanimous Approval

V. PROGRAM POLICY

FY 19 LESA Agricultural Board Evaluation Ranking Sheet Changes

- F1) Size Proposed: When two (2) or more contiguous properties apply, each are scored based on the combined acreage
- F3) Stewardship/conservation of Land, Water and Natural resources 4 points if have or on a list. 0 points No Plan or not on list.
- W1) Access & protection of Surface Water and Groundwater and Water Conservation –

High- Visible or documentation that there is significant use and/or protection of surface and groundwater as evidenced by livestock drinkers, stream crossings, stream buffers, springhouses, ponds, etc... - 6 Points $\underline{\text{Moderate}}$ - Visible or documentation that there is moderate use and protection of surface and groundwater as evidenced by livestock drinkers, stream crossings, stream buffers, springhouses, ponds, etc.. - 4 Points

Existing - Visible or documentation that there are surface and/or groundwater water sources as evidenced by livestock drinkers, active springs, springhouses, ponds, etc. -2 Points

VI. OLD BUSINESS UPDATES:

Wally updated the board on the MALPF Feb 2018 Meeting – Prigel, Wilhelmson, and Bernstein/Tracy.

Wilhelmson – MALPF approved the request for a 1-acre non-subdivideable, unrestricted lot.

Prigel – MALPF approved the request for on-site sales of prepared foods at their creamery retail location

Bernstein/Tracy – MALPF approved the request for an agricultural subdivision of the property into a ~60 acre parcel and a ~22.597 acre parcel

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

Wally updated the board on pending Easement statuses and inspections completed. Bowman and Huggins have not settled. Nash is ready for settlement. 8/37 inspections completed so far for MALPF.

VIII. MISCELLANEOUS/INFORMATION/CORRESPONDENCE/NEWS ARTICLES

Solar Facilities Law Committee Update – Wally discussed first meeting about the solar report to the planning board. Second meeting will be held April 17th, 2018. Report due to Planning Board in May.

IX. FUTURE MEETING DATES

The next scheduled meeting date is June 13, 2018.

X. ADJOURNMENT

Motion: To Adjourn the Board meeting (@ 8:34pm)

Motion by: Steve Myer Second by: Scott Welsh

Decision: Unanimous Approval