

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
September 27, 2016**

**Trustees Present:**

Bernard L. Jones, Sr., Chair  
Susanne Brogan, representing Treasurer Nancy Kopp  
Michael Calkins  
Catherine Cosgrove  
James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Tom Mason  
Donald Moore  
Ralph Robertson  
Dan Rosen, representing Secretary Wendi Peters, Maryland Department of Planning  
Milly Welsh

**Trustees Absent:**

William Allen

**Others Present:**

Jon Azrael, Baltimore County Landowner  
Deborah Bowers, Carroll County Program Administrator  
Michelle Cable, MALPF Administrator  
Debbie Herr Cornwell, Caroline County Program Administrator  
Tom Croghan, Anne Arundel County Landowner  
Ann Davis, Carroll County Landowner  
Tamekia Dent, MALPF Office Secretary  
Kelly Dudeck, Grow and Fortify  
Nancy Russell-Forrester, Assistant Attorney General, Department of General Services  
William Gorski, Anne Arundel County, Planner  
Justin Hayes, Assistant Attorney General, Department of Agriculture  
Myra Knowlton, Baltimore County Landowner  
Steve O'Connor, Cecil County Program Administrator  
Patricia Pittman, Anne Arundel County Landowner  
Rebecca Powel, Carroll County Landowner  
William Powel, Carroll County Landowner  
Ed Reilly, Anne Arundel County State Senator  
Donna Sasscer, Saint Mary's County Program Administrator  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Matt Tefteau, Maryland Department of Agriculture  
Chana Turner, MALPF Administrator  
Carol West, MALPF Executive Director  
Amanda Wilson, Fiscal Specialist  
Diane Chasse, MALPF Administrator

**Others Present By Web Conferencing:**

Bonnie Bevard, Carroll County Staff  
Chris Boggs, Washington County Assistant Program Administrator  
Anne Bradley, Frederick County Program Administrator  
Carmela Iacovelli, Baltimore County Staff  
Wally Lippincott, Baltimore County Program Administrator



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B. ANNE ARUNDEL COUNTY

1. 02-86-02B Perry Farm, LLC ~80 acres

Request – Anne Arundel County:

Request retroactive approval for a ~0.5 acre Forest Conservation Easement required by Anne Arundel County during the creation of the approved child lots.

Recommendation:

Staff recommends approval, subject to the requirements of COMAR 15.15.13. - Guidelines for Forest Easement Overlays.

Ms. Cable introduced the item. Mr. Gorski was present for questions or comments.

Motion #3: To retroactively approve the request for a 0.5 acre Forest Conservation Easement required by Anne Arundel County during the creation of the approved child lots as presented, with the requirement to amend the Forest Conservation Easement to include the MALPF acknowledgement language.

Motion: Michael Calkins Second: Milly Welsh  
Status: Approved

2. 02-91-02s1 Dodon Land Trust ~214 acres

Request – Anne Arundel County:

Request approval to construct a 1,600 square foot expansion to the existing winery building, supporting their operation on the easement property.

Recommendation:

Staff recommends approval.

Ms. Cable introduced the item. Mr. Gorski, Ms. Pittman, and Mr. Croghan were present for questions or comments. Ms. Pittman and Mr. Croghan addressed the Board regarding the larger matter of permitted uses and activities on their easement property. Ms. Pittman and Mr. Croghan referenced the language in the deed of easement that encumbers their property and questioned whether or not they actually need any Foundation approval for the activities and structures associated with the winery.

The Board informed Ms. Pittman and Mr. Croghan that the Foundation had adopted policies regarding uses of MALPF easement properties, which included wineries, a number of years ago. The Board had recently established a committee to do a comprehensive review and update of the uses policy, and appreciated Ms. Pittman's and Mr. Croghan's input and that the committee would take it into consideration.

Motion #4: To approve the request to construct a 1,600 square foot expansion to the existing winery building, supporting their operation on the easement property.

Motion: Susanne Brogan Second: Michael Calkins  
Status: Approved



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qualifying soils) given it is located in a planned water and sewer service area. Withheld acreage is for the ability to create two future residential lots

2. 07-17-07 Quiet Acres Farm 238.82 acres

Request is to approve the application withholding 2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a future residential lot.

Motion #8: To approve the requests as presented.

Motion: Michael Calkins Second: Catherine Cosgrove  
Status: Approved

**D. CHARLES COUNTY**

1. 08-17-03 Blake, Paco & Linda 61.987 acres

Request is to approve the application withholding 2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a future residential lot.

2. 08-17-05 Bowling, Gilbert O. 100.00 acres

Request is to approve the application withholding 25 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide 25 acres along with an existing house to transfer to a son.

3. 08-17-08 Fortune's Retreat, LLC 155.8 acres

Request is to approve the application withholding 0.2 acres from the easement with 0 development rights associated. Withheld acreage is for a permitted use envelope for a cell phone tower with access.

4. 08-17-09 Garner, Harold Brent, Jr. 215.621 acres

Request is to approve the application withholding 10 acres from the easement with 5 development rights associated. Withheld acreage is creation of 3 lots in 3 locations. The western most 2-acre lot located near the water will be a non-subdividable building envelope to be the primary dwelling for the farm.

5. 08-17-11 Hancock, Douglass & Mary 69.0 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is located on the other side of a public road and therefore does not require a declaration of restrictions, as it is a separate parcel of record per Charles County Code.

6. 08-17-20 Mt. Tirzah Family Ltd. Partnership 248.0 acres

Request is to approve the application withholding 2 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create 2 1-acre non-subdividable building envelopes as part of the easement.

7. 08-17-22 Murray, Patrick & Barbara, Trustees 92.0 acres

Request is to approve the application withholding 3 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide a lot around an existing dwelling that has already been delineated.

8. 08-17-20 Potomac Preservation, Inc. 246.27 acres

Request is to approve the application withholding 25 acres from the easement with 8 development right associated. Withheld acreage is for the ability to create 6 residential lots, with the condition that any forest conservation easement acreage required when establishing the lots must be located on the withheld

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acreage, not on the MALPF easement area. The property has an approved 66-lot major subdivision plan, which the owners are relinquishing in exchange for the minor 6-lot subdivision proposed. The concept plan for the lots was prepared prior to application.

Motion #9: To approve the requests as presented.

Motion: Catherine Cosgrove Second: Michael Calkins  
Status: Approved

**E. SOMERSET COUNTY**

1. 19-17-02 Butler, George, et al 84.15 acres

Request is to approve the application withholding 84.20 acres from the easement with 0 development rights associated. Withheld acreage is not tilled.

Motion #10: To approve the request as presented.

Motion: Jerry Klasmeier Second: Milly Welsh  
Status: Approved

**F. WORCESTER COUNTY**

1. 23-17-01 Jones, Richard 322.32 acres

Request is to approve the application withholding 1.34 acres from the easement with 0 development rights associated. Withheld acreage is a small area located on the other side of the road that is not a part of the farm operation.

2. 23-17-07 Porter Mill Properties, LLC 178.22 acres

Request is to approve the application withholding .43 acres from the easement with 0 development rights associated. Withheld acreage is for an existing cell tower and access. Staff recommends the area be called a Permitted Use Envelope.

Motion #11: To approve the requests as presented.

Motion: Milly Welsh Second: Catherine Cosgrove  
Status: Approved

**G. HARFORD COUNTY**

1. 12-17-02 Whiteford Packing Co., Inc. 388.269 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is for a non-subdividable residence.

2. 12-17-03 Millbrook Fields, LLC 311.089 acres

Request is to approve the application withholding 3 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create 3 non-subdividable residences.

3. 12-17-06 Rigdon, Mary 195.39 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is for the ability to create a non-subdividable residence.

Motion #12: To approve the requests as presented.

Motion: Michael Calkins Second: Milly Welsh  
Status: Approved

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H. ST. MARY'S COUNTY

1. 18-17-06 Dean, Leon and Dianna 38.8942 acres  

Request is to approve the application withholding 2 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to exclude two dwellings.

The Board discussed whether to include the triangle that is along the road. The Board also discussed whether to consider this application contingent to the #18-17-07.

Ms. Cosgrove, who visited the properties, gave her opinion that both properties are viable for agricultural use.

Motion #13: To approve withholding 2.0 acres from the easement and keeping the triangle section of the property along the road with the easement. The application is not contingent upon adjoining land being placed under easement. The withheld acreage is also approved.

Motion: Catherine Cosgrove Second: Susanne Brogan  
Opposed: Milly Welsh, Ralph Robertson  
Status: Approved
2. 18-17-07 Dean, Leon and Dianna 21.71 acres  

Request is to approve the application withholding 2 acres from the easement with 2 development rights associated. Withheld acreage is for the exclusion of two dwellings.

Motion #14: To reject the application as it does not meet the size requirement.

Motion: Milly Welsh Second: Ralph Robertson  
Opposed: Michael Calkins, Jerry Klasmeier, Catherine Cosgrove, Susanne Brogan, Dan Rosen  
Status: Failed

Motion #15: To approve the application as requested. The application is not contingent upon adjoining land being placed under easement.

Motion: Susanne Brogan Second: Jim Eichhorst  
Opposed: Tom Mason, Milly Welsh, Ralph Robertson, Don Moore  
Status: Approved
3. 18-17-11 Grube, James and O'brien, Jane 98.5 acres  

Request is to approve the application withholding 40 acres from the easement with 2 development rights associated. Withheld acreage is for the exclusion of 2 dwellings and a future winery.
4. 18-17-13 Guy, Ray, Roy and Sherri 95 acres  

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is for the ability to create a non-subdividable residence.
5. 18-17-16 Lyon, William and Rose Marie 71.68 acres  

Request is to approve the application withholding 5 acres from the easement with 1 development right associated. Withheld acreage is for estate planning. There is no requirement for the five (5) acres to be non-subdividable.
6. 18-17-18 PENERENE, INC., BERNARD BAILEY 67.93 acres  

Request is to approve the application withholding 5 acres from the easement with

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1 development right associated. Withheld acreage is for the ability to create a future residence.

7. 18-17-23 Seventh District Optimist Youth Foundation 5.91 acres

Request is to approve the application withholding 8.25 acres from the easement with 1 development right associated. Withheld acreage is for an existing private park.

8. 18-17-26 Snow Hill Manor Reserve, LLC 211.008 acres  
Martin Haskell

Request is to approve the application withholding 10 acres from the easement with 3 development rights associated. Withheld acreage is for estate planning.

Motion #16: To approve requests #3 through #8 as presented. This approval recognizes that for item #5 there is no requirement for the five (5) acres to be non-subdividable.

Motion: Catherine Cosgrove Second: Michael Calkins  
Status: Approved

I. WITHDRAWN

J. CAROLINE COUNTY

1. 05-17-08 Brown, Michael and Charlotte 219.34 acres

Request is to approve the application withholding 4 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create future building lots.

Motion #17: To approve the request as presented.

Motion: Michael Calkins Second: Catherine Cosgrove  
Status: Approved

K. CARROLL COUNTY

1. 06-17-01 Groves Mill LLC 151.304 acres

Request is to approve the application withholding 3.441 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a lot around an existing dwelling. Deborah Bowers raised the question as to why the 6-acre parcel included in the application was excluded. Staff explained that the 6-acre parcel is non-contiguous as it is separated from the other two parcels by a private driveway. Staff recommended that an approval of the 6-acre parcel to include: 1) the parcels be joined together under one tax parcel; 2) that there be an agreement in writing made with the neighboring landowner to cross the driveway; and 3) that the 6-acre parcel cannot be subdivided.

Motion #18: To approve the request as presented. The Board voted to NOT accept the exclusion of a 6-acre parcel that is described within the same deed. The 6-acre parcel is to be considered as part of the farm and an offer to purchase an easement will include language that the 6-acre parcel can never be subdivided from the remainder of the farm.

Motion: Ralph Robertson Second: Catherine Cosgrove  
Opposed: Susanne Brogan  
Status: Approved

2. 06-17-04 Dell, Gary M. and Crystal A. 162.546 acres

Request is to approve the application withholding 2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide



