

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
SEPTEMBER 27, 2022**

**This meeting was held via internet and telephone conference call.**

**Trustees Participating:**

William Allen, Chair  
Cricket Goodall, Vice Chair  
Alex Butler, representing Comptroller Peter Franchot  
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland  
Department of Planning  
Catherine Cosgrove  
Gary Dell  
Joseph Wood  
J. Bruce Yerkes

**Trustees Absent:**

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture  
Joanna Kille, representing Treasurer Dereck E. Davis  
Gilbert "Buddy" Bowling  
Elizabeth Hill

**Others Participating:**

Michelle Cable, MALPF Executive Director  
Sarel Cousins, MALPF Administrator  
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator  
Cherelle Miles, MALPF Fiscal Temp  
Patrick Martyn, Assistant Attorney General, Department of General Services  
Renee Dyson, Assistant Attorney General, Department of General Services  
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture  
Rob Baker, Montgomery County landowner  
Stephen Davis, Assistant Attorney General, Department of General Services  
Megan Benjamin, Baltimore County Program Administrator  
Mike Scheffel, Montgomery County Program Administrator  
Anne Bradley, Frederick County Program Administrator  
Shannon O'Neil, Frederick County Staff  
Beth Ahalt, Frederick County Staff  
Amanda Whitmore, Frederick County Historic Preservation Staff  
Sandra Storm, Frederick County landowner  
Josh Frey, Frederick County landowner  
Noel Manolo, Frederick County Attorney, representing Frey  
Billy Gorksi, Anne Arundel County Staff  
Laura Andrews, Anne Arundel County landowner  
Jennifer David, Calvert County Staff  
Kathleen Seay, Charles County Staff  
Chris Boggs, Washington County Program Administrator  
Bill Amoss, Harford County Program Administrator  
Beth Beales, Caroline County Program Administrator  
Catherine Skeeter, Somerset County Program Administrator  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Will LeFort, Department of General Services Appraiser  
Julie Reinhart



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Recommendation:

After reviewing the requests and considering the criteria set forth in COMAR 15.15.07.03 and the MALPF Uses Policy, and considering the historical relationship of the requested activities to farming, Staff recommends approval subject to the following requirements and conditions:

1. The majority of the products must be grown on site; the remainder must be grown in Maryland or regionally produced,
2. Accessory Sales are limited to 600 square feet in area and
3. Compliance with all applicable federal, state and local planning, zoning or other statutes and regulations affecting the property and the approved uses.

Ms. Cousins introduced the item. Mr. Scheffel and Mr. Baker were available to address the Board. A Board member asked Mr. Scheffel questions regarding the accessory sales limitation, what Montgomery County permits. Mr. Scheffel stated that the County requires 75% of the products sold may be from on site or regionally sourced. Mr. Scheffel also stated that the farm structure access utilizes an existing ingress/egress entry way.

Motion #3: To approve the establishment of a farm market shop, including an area for accessory sales, incorporating staff recommendations, as presented.

Motion: Cosgrove  
Status: Approved  
Second: Herr Cornwell

C. Withdrawn

D. FREDERICK COUNTY

1. Withdrawn
2. 10-79-04 Frey, Josh ~258 acres

Request – Frederick County:

Request conceptual approval to establish an animal byproducts incinerator on the MALPF property.

Recommendation:

MALPF Staff recommends approval, conditioned upon landowner meeting all County, State and Federal requirements.

If approved, MALPF Staff further recommends the owner proceed with obtaining all necessary county, state, and federal approvals required and submit the final plan to MALPF for Staff and OAG review. If the final plan is substantially the same as what the Board conceptually approved, MALPF Staff will send final approval letter. However, if there have been any significant changes, MALPF Staff will submit to the Board for a final review.

Ms. Cable introduced the item. Ms. Bradley, Ms. O'Neil, Ms. Ahalt, Mr. Manolo, and Mr. Frey were available to address the Board. Ms. Cable informed the Board that Mr. Connelly, who was not able to attend the meeting today, expressed support for this request and stressed this will help fill a need in the agricultural community as a whole. Ms. Bradley stated that Frederick County may need to pass zoning changes to allow this use, but it looks promising that action could occur. Mr. Manolo and Mr. Frey answered some clarifying questions from the Board, including that most likely this service will be available to receive shipments from Frederick County and the surrounding areas, but not from long distances away due to the nature of the remains.

Motion #4: To provide a conceptual approval to establish an animal remains incineration facility, incorporating staff recommendations, as presented.

Motion: Goodall  
Status: Approved  
Second: Dell

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3. 10-21-08 Storm, Jason and Sandra

~393 acres

### Request – Frederick County:

Request for inclusion of a MALPF-eased property (the "Storms' MALPF Farm") in the Peace and Plenty Historic District ("HPD"), to be established by the County's Historic Preservation Commission ("HPC").

### Recommendation:

MALPF Staff supports approval of the "tiered," "Full HPC Review" (see below) designation of a portion of the Storm's MALPF Farm limited solely to the area surrounding the dwelling, and the cemetery, as MALPF did not pay for those acres.

MALPF Staff is, however, concerned that the requested inclusion of certain agricultural structures on the Storm's MALPF Farm in the "Full HPC Review" designation, would allow for future complications, given the conflict between the mission and the restrictions of the HPD – preservation of the historical character of structures on a property – and MALPF's mission to ensure that farms operate to provide food and fiber for the citizens of the state of Maryland, in perpetuity.

Ms. Cable introduced the item. Ms. Bradley, Ms. O'Neil, Ms. Ahalt, Ms. Whitmore, and Ms. Storm were available to address the Board. The Board engaged in a robust discussion about the request, recognizing that the decision could impact not only this request, but also future historic district designations.

Ms. Whitmore clarified that the HPC review is only for the exterior of structures, and that in the last 5 years at least, the HPC has been able to work with all owners that submit requests to provide an approval. The HPC goal is to find a solution that allows the owner to complete the work they desire, while maintaining the historic integrity of the structures.

Ms. Storm confirmed that she and her husband agree that they do not want their agriculture operation hindered in any way, which she felt that the tier designation method accomplishes. She shared that the James Bank Barn is in dire needs of repair to maintain and restore it. The HPC designation would give them opportunity to receive grant funds to enable them to restore the bank barn and bring it into more functional use for their operation.

A Board member shared that he has an old bank barn on his farm in disrepair, stating that most bank barns around the state are not very useful in modern agricultural operations, but most farmers do not have the means to maintain or restore them. Instead, they often sit primarily vacant and unused, as most people like the way they look and don't want to demolish them, but can't afford to fix them. Having the opportunity for a grant fund to repair the barn would be helpful.

The Board asked Ms. Whitmore about clarification regarding the tax credit and the tier designation. Only the areas that are designated with full HPC review would be eligible for the tax benefit.

Ms. Cable walked the Board through the possible options of approval, separating the four yellow box areas into different motions. Ms. Cable also went through the various possible conditions the Board may want to incorporate as part of the approval. The Board asked Ms. Storm to provide her opinion on four possible listed conditions, and she did not have an objection to them.

At the end of the discussion, the Board made the suggestion that Staff may want to convene a committee to consider adopting a policy to help guide MALPF when or if future HPC designations arise.



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presented.

1. Frederick County adopts the proposed changes to the Frederick County Historic Preservation Ordinance (“Ordinance”) that will establish the tiered level of HPD designation, in form and content as presented to MALPF prior to the September 27, 2022 meeting;
2. Frederick County Council approves the formal designation of the Peace and Plenty Historic Preservation District under the newly adopted Ordinance;
3. Frederick County Historic Preservation Commission adopts the proposed Peace and Plenty Guidelines, in form and content as presented to MALPF prior to the September 27, 2022 meeting; and
4. Frederick County Historic Preservation Planning staff will forward any proposed changes to the Peace and Plenty Design guidelines to MALPF staff for their review and feedback prior to presenting the proposed changes to the Historic Preservation Commission. If a subcommittee is formed to review changes to the guidelines, County staff will invite MALPF to participate. MALPF staff will also be invited to attend the public meeting when the changes are to be discussed and adopted.

Motion: Goodall Second: Dell  
Status: Approved

4. Withdrawn

5. 10-86-01e Sub#1 Wood, Nicholas ~128 acres

Request – Frederick County:

Request approval to install a free-standing array of solar panels on the easement property owned by Nicholas Wood to produce approximately 108% of the current electric utility consumption of this farm and the adjacent lot owned by Mr. Wood which is used as his residence (residential and agricultural uses). The panels will be installed next to an existing alpaca shed and will be accessed by an existing gravel lane and driving on a field a short distance to the proposed site which veterinarians and shearers routinely do.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item. Ms. Bradley, Ms. O’Neil, and Ms. Ahalt were available to address the Board.

Motion #8: To approve the establishment of the solar panels, as presented.

Motion: Dell Second: Herr Cornwell  
Status: Approved

E. WASHINGTON COUNTY

1. 21-90-06e Harp, James T. Jr. ~157.34 acres

Request – Washington County:

Request approval to exclude up to 2 acres for a child’s lot.

Recommendation:

Staff recommends approval.



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Motion #11: To approve the Howard County request as presented

Motion: Wood                      Second: Herr Cornwell  
Status: Approved

**VI. PROGRAM POLICY**

N/A

**VII. INFORMATION AND DISCUSSION**

N/A

**VIII. CLOSED SESSION**

Mr. Allen asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and (7) to consult with counsel to obtain legal advice.

Motion #12: To adjourn the regular session at 11:04 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to consult with counsel to obtain legal advice.

Motion: Yerkes                      Second: Herr Cornwell  
Status: Approved

The Closed Meeting of the Board was held from 11:20 a.m. to 11:32 a.m. on September 27, 2022 via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(7) to consult with counsel to obtain legal advice; and

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Cathy Cosgrove, Gary Dell, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent:

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture  
Alex Butler, representing Comptroller Peter Franchot  
Joanna Kille, representing Treasurer Dereck E. Davis  
Gilbert "Buddy" Bowling  
Elizabeth Hill

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Sarel Cousins, Kim Hoxter, Cherelle Miles, MALPF Fiscal Temp, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services, Renee Dyson, Assistant Attorney General, Maryland Department of General Services, and Stephen Davis, Assistant Attorney General, Maryland Department of General Services.



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**TOPICS DISCUSSED:**

- A. Approval of August 23, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Approval of title expenses

Respectfully Submitted:



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Michelle Cable, MALPF Executive Director

