

Agricultural Preservation Advisory Board

Regular Meeting Minutes

April 9, 2019

7:00 p.m.

Staff: Mike Scheffel, Kristin Fisher

Board Attendance: Mike Jamison, Chuck Gingrich, Bob Cissel, Nick DeLuca

Guests: Lana Wang and Ron Meyer, owners of Taylor-Paskowitz LLC / Morning Sun Horse Park Corp. farm

The meeting was called to order at 7:04 pm

Approval of the March 12, 2019 meeting minutes

Cissel made a motion to approve the March meeting minutes, as written. Jamison seconded.

AEP Easement Program:

Beverly Farm Update

Howard Menditch, Bruce, John Congedo, their forester David Adams, John Zawitoski (MSCD) and Mike Scheffel met out at the farm with Laura Miller (DEP County arborist) to review the proposed plan for forest harvest and a forest mitigation bank on the property. Laura Miller is on board with their plans and they are now seeking approval from Park & Planning.

Allnutt – Farm Labor Housing Unit

Ben Allnutt purchased the Ladd farm, which is adjacent to his home farm, and is encumbered by an AEP easement. There is a primary dwelling as well as an existing agricultural accessory structure. Ben wants to use the existing accessory structure, which pre-dated the easement, as housing for his H-2A employees. Since the structure already exists, there would be no additional impact to the farm.

Cissel made a motion to approve the use of the existing accessory agricultural structure as housing for H-2A employees, contingent upon approval by DPS. DeLuca seconded.

Martin Farm – location of ag buildings and site visit scheduled for 4/11

Peter and Glenda Huyser came to the APAB meeting last month to inform the Board of their plans for the farm after settling in April. The closing on the purchase of the farm is today. Peter was approved by MDA as an industrial hemp grower, so he wants to build the greenhouse this weekend on an existing concrete pad to start hemp seedlings. J Harne (MSCD) and Mike Scheffel are going out to the farm on Thursday to review the site for the proposed greenhouse and to update the conservation plan on the farm. DeLuca made a motion to preliminarily approve the construction of the greenhouse on the existing concrete pad, contingent upon J and Mike's approval of the location during the site visit on Thursday. Jamison seconded.

The Board will need more information on the proposed location for the ag building/production facility before approving that.

Maryland Agricultural Land Preservation Foundation:

Easement Inspection Reports- MDR Ahoy, Advice, Acres

Scheffel reported that all easement inspections went well and no issues were found. The manure pile on Friendly Acres is actively being composted and worked down, so it is being remedied and is no longer a storage pile.

Stabler Forest Conservation Easement Update

This was a consent item for the March 28 Board meeting at Park & Planning and the Board approved the Deed of Release. The Director at Park & Planning needs to sign it, and then Drew or his attorney can pick it up and re-record it in the land records with the amended language.

Baker Application Update

The Bakers accepted the MALPF offer and Mid-Atlantic Farm Credit has signed a subordination agreement. The signed contract is now with MALPF continuing to work through the process.

Certification Report Submitted to MDP

Mike Scheffel and John Zawitoski completed the certification report for the Maryland Department of Planning, which is required to allow the ag preservation program to retain 75% of the State's portion of the ag transfer tax. The Board supported the submission.

RLP Easement Program:

Update on 2019 RLP grant application – easement language

OAG has been reviewing the boilerplate RLP easement language to find portions we may want to revise to make the easement more conducive to long-term agriculture, as opposed to open space preservation. Once we have compiled all comments, we'll work with Vicki Gaul to modify the easement and will then talk with DNR about our new suggested language.

Legislative activities

HB20/SB344, the change to the agricultural transfer tax collection law, passed with amendments previously discussed. At a minimum, we will now be collecting 35% of the ag transfer tax. SB57 passed, which increases the recertification timeframe for agricultural preservation programs to every 5 years and allows counties to retain ag transfer tax (use it or lose it) for 6 years.

The proposed bill banning chlorpyrifos pesticide did not pass.

Weed control/noxious weed regulations bill passed that gave more flexibility for the Secretary of Agriculture to add or remove plants from the list of noxious weeds without changing state legislation. The bill also adds an option for a civil penalty instead of just a criminal penalty for violating the MD Noxious Weed Law.

Other business:

Taylor-Paskowitz LLC / Morning Sun Horse Park Corp.

Lana Wang and Ron Meyer, the owners of Taylor-Paskowitz LLC / Morning Sun Horse Park Corp. farm, attended the meeting to discuss their intent to build a new primary dwelling on the

property. The horse farm is 100 acres in size and boards approximately 50 horses. Three BLTs have been sold off the property (1 public, 2 private), and only 1 development right remains. There are two structures currently used to house tenants; one is technically the primary structure, the other is the permitted tenant structure. Lana and Ron want to build a new house but will have to raze one of the existing structures before they get their building permit for a new structure, since there is only one development right on the property and only one primary structure and one tenant structure are allowed. They have decided which tenant structure will be removed and now they want to get approval to build the house somewhere else on the farm. The house should be placed such that it won't negatively impact agriculture on the property and the area has to perc.

They are interested in building above the "farm remainder", WNW of an "existing shed" identified on the farm map. They plan to use the existing driveway to access the new house.

They are also interested in expanding the bathroom capacity in the barn to accommodate the owners of the boarded horses as well as people who come to the farm to attend events. The Board is not opposed to the idea, but Lana and Ron would need DPS approval for it.

Cissel made a motion to 1) preliminarily approve the proposed house location and the 3 potential perc fields, 2) acknowledge the need to raze the existing primary structure before getting the building permit to build a new primary structure. Gingrich seconded the motion.

The Board is ok with additional bathroom space with details provided to Mike Scheffel before Lana and Ron proceed with any plans. Mike can present that information to the Board and the Board can approve it at that time, based on DPS and Park & Planning signing off on it. Lana and Ron also want to build a guardhouse and a gate at the entrance of the farm, but the APAB explained that they do not have any input on that kind of activity, assuming it will not be habitable space.

Mike will draft a letter from the Board describing the actions taken tonight and send it to Lana & Ron.

Forest Resource Management Policy

Gingrich made a motion to approve the Forest Resource Management Policy discussed last month and presented at this meeting. Cissel seconded the motion. The policies approved by the Board will eventually be codified in the next revision of the Executive Regulations.

Roundtable Discussion with Senator Ben Cardin

On April 15th, the OAG will be hosting a roundtable discussion with Senator Ben Cardin to discuss federal regulations affecting farmers. Lunch will be served.

Leggett – said no open purchase period bring things on case-by-case basis

Because of low agricultural transfer tax collection over the past several years, CE Leggett changed the policy for farmland easement acquisitions from holding an open purchase period where multiple applications could be submitted, to a policy of bringing potential easement acquisitions to him for approval on a case-by-case basis when funding was available. Mike Scheffel will write a letter to CE Elrich asking if he wants to handle agricultural easement

acquisitions the same way. His input on this process for his administration is important because we will have some agricultural transfer tax collections coming into OAG and are in the process of preparing a supplementary appropriation for the CIP to allow us to spend that money.

A PHED Committee meeting will be held on May 1st at 1pm to discuss budget cuts imposed on OAG. It will be important to have representatives from the ag community present in case we are called to the table to provide input.

The meeting adjourned at 8:23pm.