

Agricultural Preservation Advisory Board

Meeting Minutes

November 10, 2025

7:00 p.m.

The meeting was called to order at 7:04 pm.

1. Introduction

Board Members: Randy Stabler, Nick Magliato, Wade Butler, and Tom Hoffmann.

Staff: Mike Weyand, Mike Scheffel, John Zawatoski

Guests: Mason Hopkins, Don Burrows, Dale Tibbitts.

2. Approval of Minutes

Magliato motioned to accept the minutes; Hoffmann seconded, and the motion carried.

3. Board Requests

a. AEP – Child Lot Request – Frozen Level Farm

The Board reviewed a request from Frozen Level Farms, submitted by the Hopkins Family, for the release of a child lot intended for personal residential use. Staff presented the proposed lot location and confirmed that it complies with local zoning and subdivision regulations, minimizes impact on agricultural operations, and aligns with Maryland Agricultural Land Preservation Foundation (MALPF) guidelines. Mason Hopkins attended the meeting to answer questions from the Board. He expressed that the proposed location makes practical sense for the family's agricultural operations and would minimize long-term impacts on the productivity and viability of the farm. Following discussion, Board Member Butler moved to approve the application, contingent upon the lot being developed in the location as presented. The motion was seconded by Hoffmann and passed unanimously. Staff was authorized to submit a letter of support to MALPF on behalf of the Hopkins Family, including the Board's recommendation and the stated condition that it is contingent upon the lot being developed in the location as presented.

4. AEP/BLT/TDR Easements

a. BLT Open Purchase Period

Staff provided an overview of the Building Lot Termination (BLT) Program, a key farmland preservation tool in Montgomery County. Unlike the Agricultural Easement Program (AEP), which limits development rights, the BLT Program goes further by permanently extinguishing septic system capacity on a property, thereby reducing the number of potential dwelling units and preserving the rural character of the Agricultural Reserve.

The Board was informed that the next BLT Open Purchase Period is tentatively scheduled to run from January 12 to February 13, 2026. This window is intended for landowners who already have completed and approved septic site plans, as the approval process—particularly the required perk testing—can be time-consuming. Staff noted that

approximately 15 landowners have expressed interest and may be eligible to apply during this period.

In preparation for the application window, staff are actively working on updating the program's application materials, including revised forms, clearer guidance on eligibility requirements, and a checklist of required documentation. These materials are designed to streamline the application process and ensure compliance with current regulatory standards. A full draft of the updated application packet will be presented at the December 9, 2025 APAB meeting for Board review and feedback prior to public release.

5. Maryland Agricultural Land Preservation Foundation (MALPF) Easements

No Update

6. Rural Legacy Program (RLP) Easements

No update.

7. Easement Monitoring & Inspections

a. Inspection & Reporting Monthly Update

All easement inspections conducted during the reporting period were found to be compliant. No violations were found, and reports were submitted to the state to fulfill monitoring requirements.

8. Legislative activities

Mike Scheffel (Director, Office of Agriculture) and John Zawatoski (District Manager, Montgomery Soil Conservation District) provided an overview of the current challenges facing agricultural and agritourism operations in complying with Maryland's stormwater management (SWM) regulations. Their presentation focused on the practical difficulties that farmers encounter when navigating requirements originally designed for commercial and urban development.

They emphasized that many agricultural operations—particularly those involving on-farm processing, seasonal events, or agritourism—are often classified under current zoning regulations as agricultural, but stormwater management considers them commercial development. This can trigger complex and costly permitting requirements that are not well-suited to the nature of farm operations. For example, temporary uses such as grass parking during harvest or agritourism events may be subject to permanent infrastructure mandates, which could unintentionally encourage paving over farmland.

Scheffel and Zawatoski also highlighted the need for the Maryland Department of the Environment (MDE) to formally recognize the role of Soil Conservation Districts (SCDs) in supporting stormwater compliance. SCDs already assist with erosion and sediment control and are uniquely positioned to help farmers implement practical, site-appropriate solutions.

Additional points raised included:

- The importance of allowing cropland and grassed areas to count toward stormwater treatment, as these already contribute to runoff management.
- The need to broaden the definition of agricultural structures to include buildings used for processing and operational support.

- The value of flexibility in the regulations to avoid penalizing temporary or seasonal agricultural uses.

Following the presentation, the Board discussed the implications of the proposed regulatory changes. Members of the Agricultural Preservation Advisory Board (APAB) expressed strong interest in submitting formal comments as a committee to MDE regarding the stormwater regulation updates. Staff agreed to reach out to the County Executive's Office to seek approval for submitting comments on behalf of the Board.

a. Agricultural Groups - Position Statement on Agritourism

Staff shared a joint position statement from several agricultural organizations (Montgomery County Farm Bureau, Montgomery Agricultural Producers, Montgomery Countryside Alliance, and Sugarloaf Citizens Association). The statement emphasized that:

- Farming must remain the primary land use in the Agricultural Reserve
- Agritourism should support—not replace—agriculture
- Concerns were raised about non-farm commercial ventures being misclassified as agritourism
- Recommendations included enforcing zoning rules, clarifying definitions, and maintaining local control

b. DPS Policy Memo 25-300

Staff reported that Policy Memo 25-300, which had temporarily paused enforcement of sediment control and stormwater management for Farm Alcohol Production and agritourism projects, has been rescinded. DPS will resume standard enforcement procedures. The Maryland Department of the Environment is developing new regulations for agricultural parking areas.

c. ECON/PHP Work Session – Value-Added Agriculture and Agritourism

Staff noted that the Economic Development (ECON) and Planning, Housing, and Parks (PHP) Committees of the Montgomery County Council held a joint work session on November 12, 2025, to receive a briefing on the Maryland Department of Agriculture's October 2025 report, titled: *"Statewide Guidance and Analysis: Maryland's Value-Added Agriculture and Agritourism."*

The report outlines regulatory challenges and opportunities for farms expanding into value-added processing and agritourism. Key topics included:

- Inconsistent definitions of "farm" and "agritourism" across jurisdictions
- Regulatory burdens and unclear permitting processes
- Opportunities for:
 - A statewide definition of agritourism
 - Alternative licensing models
 - Scalable regulations for small or seasonal operations

9. Solar/Energy

No Update

10. Other Business

a. Farm-to-Table Symposium

Mike Scheffel provided a brief recap of the recent Farm-to-Table Symposium, highlighting it as a successful event that brought together farmers, local food advocates, and community stakeholders to discuss opportunities and challenges in strengthening the local food system.

b. Upcoming Meetings and Events

- Nov. 11 – Veterans Day (Office Closed)
- Nov. 12 (1:30 pm) - ECON/PHP Agritourism Work Session
- Nov. 17 (9:00 am) – Montgomery Weed Control Board Meeting
- Nov. 27 – Thanksgiving Day (Office Closed)
- Dec. 9 (7:00 pm) – Agricultural Preservation Advisory Board Meeting

The meeting went into closed session at 8:40