



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHENLAFFERTY, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Minutes

MEETING: April 13, 2022 Board Meeting – 6:30 PM @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030.

Attendees:

Board Members Present: John Merryman, Steve Myer, Brenda Strohmer, Scott Welsh

Staff: Joseph Wiley, David Birkenthal

Others: Ann Jones (ex officio, Baltimore County Land Trust Alliance)

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

A. Approval of Minutes of: **March 9, 2022**

Motion: To approve the minutes of March 9, 2022

Motioned by: Steve Myer

Seconded by: Scott Welsh

Decision: Unanimous Approval

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. **Gilmore, Holly – 4201 Stansbury Mill Rd, Monkton – 59.1 ac – (MALPF# 03-13-06)**

Request: Recommendation of approval of unrestricted lot for use by child for MALPF and approval of subdivision for agricultural purposes

Background: Located in Monkton, the Gilmore Property includes two parcels, totaling 59.1 acres, under a MALPF easement (#03-16-06). The majority of the property, on which the Tranquility Manor Farms equine farm operates, is composed of a separate 210.7 acre parcel under a Rural Legacy easement.

In accordance with the provisions of the MALPF easement, the applicant is requesting the release of a 1 acre unrestricted lot for use by her son from the MALPF easement and the accompanying County approval of an agricultural subdivision. The applicant has provided two potential locations for the lot that are both adjacent to the property boundary and served by an existing driveway. For both proposed lot locations, MALPF guidelines require that the applicant seeking the release of the unrestricted lot provides justification for the geographic location and access route.

The requested release of an unrestricted lot will require approval by the MALPF Board of Directors.

Discussion: David Birkenthal presented background to the Board. John Merryman requested additional information regarding whether the two separate requests required separate motions. David Birkenthal informed him that the two requests did not need separate motions.

Motion: To recommend approval of unrestricted lot for use by child for MALPF and approval of subdivision for agricultural purposes

Motioned by: Scott Welsh
Decision: Unanimous Approval

Seconded by: Steve Myer

B. Hewitt Property – Carroll, Megan (contract purchaser) – 19411 Resh Mill Road, Hampstead – 78.1 ac – (MALPF # 03-17-04)

Request: Recommendation of approval of relocation of main dwelling

Background: The contract purchaser of the Hewitt Property (MALPF 03-17-04), is seeking approval of the relocation of the existing dwelling located on the easement property located at 19411 Resh Mill Road. The existing dwelling is in poor condition and the contract purchaser would like to remove the existing dwelling and relocate the dwelling to a different site on the property. The proposed site is located near the edge of the existing field so as to minimize impact to the agricultural use of the property. A new access to the site will be created as shown on the attached map. The access is situated to account for the topography and site distance for safety along the road. The property has 85% qualifying soils so the property will continue to meet soils requirements with the relocation of the lot.

Discussion: Joe Wiley provided background to the Board. Representative for the applicant, Bruce Doak, informed the Board that the proposed location of the new structure has been selected due in order to minimize the impact to the agricultural potential of the property. Scott Welsh asked for additional information about the location of existing structures and the proposed driveway on the property. Bruce Doak identified the location of the existing structures and the proposed driveway. Steve Myer noted that the proposal appears reasonable.

Motion: To approve the relocation of the main dwelling on a MALPF easement

Motioned by: Steve Myer
Decision: Unanimous Approval

Seconded by: Scott Welsh

III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

A. Frank, Raymond & Sandra – 2800 Monkton Road, Monkton - 92 +/- ac - (BC 02-20)

Request: Board review & approval of proposed event and event parking

Background: This property is subject to County Ag Easement recorded in County land records (Liber 16540/ Page 550).

The Franks are requesting review of planned event. For the temporary event, the Frank's are requesting a parking area of approximately 5.5 acres, which under the Guidelines would qualify this as a Tier 2 Ag-related event and thus requires Ag Board approval since the requested parking is greater than 2 acres (see Section B.14. page 8 of Guidelines, attached). In addition, any event must be farm or forest related (see Section B, page 8) .

The number, frequency and scale of events are as limited by the Maryland Brewery License and the Special Exception Order 2017-0327-X) and are to be consistent with the scale of the brewery operation and the area's rural character.

If impacted, any farm or forested area must be maintained or restored to its original condition.

The Board is asked to review the event to confirm it is farm or forest related and to review the requested parking area.

Background: Joseph Wiley provided background to the Board.

Emailed comments were received from neighbor, Caroline Owens: "For the peace and well being of the community, I respectfully request that the Ag Board limit the total number of cars at any one time to 300."

Mr. Reinhart, an attorney, expressed that he is the representative of the applicant's neighbors. He presented a map and an original plat for the Board to review. He provided a summary of the legal proceedings related to parking on the applicant's property since the beginning of the on-site brewery operation. He stated that the Board only has the ability to recommend changes to the parking areas. He stated that if the Franks moved their refrigerators back into the barn, they would have more of their permitted parking spaces available. He stated that his position is that the Board has the authority to grant a special event, but the Board does not have the authority to even suggest expanding parking allowances.

David Birkenthal reminded the Board that Scott Welsh will be recusing himself from decisions regarding the applicant and that the Board does have the right to request further counsel. Mr. Reinhart stated that the most recent opinion issued by the County attorney states a process by which the Franks must follow to amend the pertinent order. He provided this letter to the Board.

Joseph Wiley stated that the Board's role is not to consider issues of zoning. Mr. Reinhart stated that the Board serves in an advisory capacity. Joseph Wiley stated that the Board is intended to consider issues related to the conservation easement on the property. Mr. Reinhart stated that in a letter from June 17, 2021 a separate procedure for additional parking beyond the Board's review is outlined.

David Birkenthal informed the Board that additional input from other speakers besides those who have already spoken would need to be asked for and entertained prior to hearing from those who have already spoke. A community member, expressing that they were a neighbor of the applicant, stated that the applicant uses the approval of the Board to act without consideration of permission from County zoning, and that this has been the case since the virtual hearing in May 2021. The neighbor stated that patrons of the on-site brewery create traffic, have been drinking alcohol, and consistently park with several hundred cars. The neighbor stated that the applicant cites the approval of the Board without seeking appropriate zoning permission for parking. The neighbor stated that many neighbors supported the applicant's initial efforts to establish a permissible farm brewery.

David Birkenthal informed the Board that established policies only allow for 3 minutes per speaker during public comment periods.

A representative for the applicant, Bruce Doak, stated that the Board is charged with interpreting the intent of the easement, but not with considering the zoning issues of this issue.

The applicant, Sandra Frank, stated that they were currently under appeal and that less than half of the parking has been used at recent events. They stated that a traffic study had been performed supporting the acceptability of traffic levels on the neighboring roads.

A community member, expressing that they were a neighbor of the applicant, informed the board that they could present documentation of the number of vehicles being parked on the property.

David Birkenthal informed the Board that they had no procedural mechanism for entering evidence into the record.

John Merryman asked the applicant whether the two lots included in the request are enough for the upcoming special event.

The applicant informed the Board that they prefer approval for parking beyond that which they believe they will require in order to ensure there is sufficient space for all attendees. The applicant stated that the total attendance is often reliant upon the weather, but that allowance which was previously supported by the Board would be sufficient again.

Mr. Reinhart stated that a separate process is outlined in a letter he has provided to the Board for additional parking allowances beyond the Board's responsibilities. He stated that the order detailing the appropriate method for approving parking allowances is binding on all parties, including members of advisory boards.

The applicant stated that the proposed event is an entirely agriculture-related activity and that Baltimore County should support agricultural tourism.

Mr. Reinhart stated that an approval by the Board is a recommendation, rather than permission from an appropriate authority to allow additional parking.

Ann Jones informed the Board that their responsibility is to interpret the deed of easement and whichever is more stringent, the deed of easement or the zoning, constitutes the relevant guidance.

A community member stated their inquiry as to whether the decision by the Board is a precursor to a subsequent decision by the appropriate zoning authorities.

John Merryman stated that the decision by the Board and the decision by appropriate zoning authorities are separate.

A community member, a neighbor of the applicant, stated that the requests from the community rests on the Board's stated responsibility to consider the impact of their decision on the community. The community member stated that the events and patrons of the brewery create an unruly atmosphere in their community.

Brenda Strohmer stated that this permission appears to be identical to what had been granted the last time the applicant came before the Board. John Merryman confirmed this. Brenda Strohmer stated that such requests were only required for events. John Merryman confirmed this.

John Merryman requested to view the map brought by Mr. Reinhart. Mr. Reinhart stated that the map he brought was the plat submitted during the original hearing. Mr. Reinhart stated that only some areas of the map had ever been approved appropriately for parking. John Merryman requested that Mr. Reinhart compare the map provided by Mr. Reinhart to that provided by staff.

Joseph Wiley informed the board of the relevant similarities between the map provided by Mr. Reinhart and that provided by staff.

The applicant stated that the requested parking area had been decreased in order to keep parked cars away from neighboring properties and that maps provided by Mr. Reinhardt did not accurately reflect the request.

Brenda Strohmer inquired as to whether the requested parking area was accurately reflected in the map provided by staff. The applicant confirmed that the expanded parking allowance was accurately reflected in the map provided by staff.

A community member, a neighbor of the applicant, provided pictures of the parking usage by the applicant and stated that they were exceeding the usage listed in previous applications to the Board. The applicant disputed the relevance of the provided picture.

Brenda Strohmer confirmed the parking area requested by the applicant for the upcoming Easter event.

Mr. Reinhart disputed the adherence to the procedure to resolve zoning-related issues outlined in the relevant order.

The representative of the applicant stated that the Board should only consider issues related to the easement.

Mr. Reinhart stated that the Board can only give an advisory opinion to the relevant zoning authorities.

The representative of the applicant stated that the Board only ever gives a recommendation.

John Merryman stated that the issues and factors that both the applicant and the community members wanted the Board to consider are appropriately considered by the appropriate zoning authorities.

Mr. Reinhart stated that the burden is on the applicant because they have requested expanded parking. The applicant stated that the issue is currently under appeal and is scheduled to be considered in May 2022.

Brenda Strohmer inquired as to how many cars fit in the section of the map provided by staff that the applicant is requesting permission to park cars in during their events. The applicant stated that about 200 cars fit in the referenced section, resulting in a possible 400 cars total parked for the event. The applicant stated that the allowance that was previously supported would be sufficient for the current request.

Brenda Strohmer directed an inquiry to staff as to whether the previously approved area was the same as that which was being considered. David Birkenthal confirmed that it was.

Mr. Reinhart stated that if the applicant did previously receive a recommendation of approval for expanded parking from the Board, the applicant also need to pursue appropriate zoning approvals.

The applicant stated that the requested expansion was only for special events.

Mr. Reinhart stated that Judge Mayhew had ordered in February that the applicant could only use 2 paddocks for parking, and any changes would need to be requested through the appropriate zoning authorities in an appropriate time frame.

The applicant stated that they have been asked to provide notification to the Board about upcoming events, but the regularly allowed parking is not exceeded during normal operation.

Mr. Reinhart that the applicant is only allowed 37 spaces for regular operations and 2 acres for special events. The applicant disputed this claim.

Brenda Strohmer inquired as to whether the request before the Board was only for an Easter event.

John Merryman stated that the legal issues surrounding the request made consideration by the Board difficult.

David Birkenthal informed the Board that he was personally unable to provide appropriate legal counsel regarding this issue.

Joseph Wiley informed the Board that their vote determined whether the requested parking allowance is permissible under the relevant deed of easement.

John Merryman stated that he viewed this issue through what is permitted under the easement rather than under zoning.

The applicant stated that they were requesting the same allowance as has previously been supported by the Board.

John Merryman stated that he saw the validity in the concerns stated by both the applicant and the community, but that the zoning issues were not under the purview of the Board.

Motion: Allow the extra parking, as per the deed of easement, for the special event (as indicated in yellow on the map provided by staff)

Motioned by: Brenda Strohmer **Seconded by:** Steve Myer

Decision: Unanimous Approval (Scott Welsh recused himself; Chair voted to establish quorum)

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. Mason, Joyce – 11813 Harford Road, Glen Arm – 5.87 ac – RC-2

Request: Agricultural Use Designation on an undersized lot and recommendation to be considered a Reduced Acreage Farm

Background: The Mason Property is a 5.87 acre lot in Glen Arm. The property is zoned RC-2, and currently has a main residence, a stable, a small barn, and 2 fenced pasture areas.

The applicant is requesting recognition as a Reduced Acreage farm in order to construct a hay barn for their equine operation under an Agricultural Use exemption. The applicants have run a small equine operation since purchasing the property in 1988 and currently own 4 horses that are housed on-site. The applicant has housed a series of advanced-age horses, including rescues horses and retired race horses. The existing storage for hay is limited to a 22' by 9' section of the small barn which is insufficient for storage due to the difficulty securing hay over the past few years.

Board members are advised to base the consideration of Reduced Acreage Farm designation on whether or not:

- The farm is a commercial operation,
- A Soil Conservation & Water Quality plan is in place
- The property has received a preferential agriculture assessment
- The property is considered a farm for taxation purposes
- Products or services are prepared for sale
- Existing infrastructure is of a significant scale

Through submitted materials, the applicant has indicated an existing and future site usage as a care-giving equine operation for rescue horses and retired horses from other commercial equine operations. The site, therefore, appears to support an important component of Baltimore County's well-known and valuable equine industry. The recommendation of the Board regarding recognition of a Reduced Acreage farm will be sent to the Baltimore County Department of Zoning for final approval.

Discussion: David Birkenthal provided background to the Board. Joe Wiley reminded the board that the minimum size for a farm in Baltimore County is 3 acres. John Merryman inquired as to whether reduced acreage farms are required to conform to all standards provided to the Board as background. David Birkenthal informed the Board that applicants do not need to conform to every standard, but that the standards should be considered guidelines with appropriate applicants conforming to at least one standard. Joyce Mason informed the Board about her foster and rescue horses at her facility.

Motion: Approval of an Agricultural Use Designation on an undersized lot and recommendation for approval of status as a Reduced Acreage Farm.

Motioned by: Steve Myer **Seconded by:** Scott Welsh

Decision: Unanimous Approval

V. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

VI. MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

VII. FUTURE MEETING DATES

Next Meeting: May 11, 2022

VIII. ADJOURNMENT

