

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
MINUTES
October 23, 2007**

TRUSTEES PRESENT:

Daniel Colhoun, Chairman
Vera Mae Schultz, Vice Chairman
John W. Draper, Jr.
Jerry Klasmeier, representing Comptroller Peter Franchot
Dr. James Pelura
Joe Tassone, representing Secretary Richard E. Hall, Department of Planning
Doug Wilson, representing Secretary Roger L. Richardson, Department of Agriculture

TRUSTEES ABSENT:

Howard S. Freedlander, representing Treasurer Nancy Kopp
Robert F. Stahl, Jr.,
Christopher H. Wilson

OTHERS PRESENT:

Bill Amoss, Harford County, Program Administrator
Anne Bradley, Frederick County, Ag. Preservation Planner
Rob Burk, Executive Director, Horse Industry Board, Maryland Department of Agriculture
Pam Bush, Department of Natural Resources, Senior Policy Analyst
Vince Berg, Citizen, Montgomery County
Elizabeth Brown, Landowner, Frederick County
Tammy Buckle, Caroline County, Program Administrator
Diane Chasse, MALPF Administrator
James Conrad, MALPF Executive Director
Carol Council, MALPF Administrator
Veronica Cristo, Calvert County, Rural Planner
Rama Dilip, MALPF Secretary
James Evans, Landowner, Inverness Farm, Montgomery County
Charles Fenwick, Jr., Representative for Land Preservation Trust/Shawan Downs, Baltimore County
Nancy Forrester, Assistant Attorney General, Department of General Services
Billy Gorski, Ag. Program Planner, Anne Arundel County
David Greene, Chair, Baltimore County Advisory Board, Baltimore County
Buddy Hance, Deputy Secretary, Maryland Department of Agriculture
Sibbald Hereth, Landowner, Howard County
Edward Hereth, Landowner, Howard County
Rob Hoffman, Representative for Land Preservation Trust/Shawan Downs, Baltimore County
Kimberly Hoxter, MALPF Monitoring, Enforcement, and Database Coordinator
Dale Hutchins, Landowner, Calvert County
Carmela Iacovelli, Baltimore County, Natural Resource Specialist
Joy Levy, Howard County, Program Administrator
Wally Lippincott, Jr., Baltimore County, Program Administrator
Carla Martin, Kent County, Program Administrator
Elta Martin, Landowner, Frederick County
Daniel Rosen, Planner, Maryland Department of Planning
Charles Rice, Charles County, Program Administrator
Caythee and Charles Ruby, Landowners, Frederick County
Donna Sasscer, St. Mary's County, Program Administrator
Ned Sayre, Harford County, Program Assistant
Steward B. Smith, Prince George's County, Soil Conservation District
Donna K. Landis-Smith, Queen Anne's County, Program Administrator
Samantha Stoney, Howard County, Planner
Elizabeth Weaver, MALPF Administrator

member, had expressed an interest and will be representing the MALPF Board in this committee. Mr. Klasmeier will be selecting another Board member for the committee.

Ms. Council informed the Board that the Foundation has a new MDA sign that will be made available to MALPF easement landowners. When the easement is settled, Jeanine Nutter, MALPF staff, will be sending a letter to the landowners. The letter will inform the landowners that the Foundation has the sign available for them if they would like to display it on their farm and that it will be available at no cost. If the landowners are interested, the sign will be conveyed to the County Program Administrators; the signs will be made available to the landowners only through the County Program Administrators.

II. DISTRICT /EASEMENT AMENDMENTS

H. ST. MARY'S COUNTY

1. 18-00-06e Linda Long 204.15 acres
Addition of map to Agenda Item II.C.1 from the August 28, 2007 meeting

At the August 28, 2007 Board meeting, the Board approved the request of Mrs. Linda Long for a child's lot exclusion for son, Brian Christopher Long. The Board also approved an alternative right-of-way location marked and agreed by the landowner and the MALPF administrators (that the location be approved so that the owner and the subsequent owner have the right to insist that a third party owner of the lot use the alternative right-of-way for access).

At the time, the Board asked that the map be included in the materials for the meeting.

Staff recommends approval of the attached map for inclusion in the materials for the August 28, 2007 meeting.

Donna Sasscer, Program Administrator, was available at the meeting.

Motion #2: To approve the request of Linda Long for an alternative right-of-way location as marked on the map submitted to the MALPF Board.
Motion: Doug Wilson Second: John Draper
Status: **Approved**

A. CALVERT COUNTY

1. 04-84-02e Raymond E., Hutchins, Sr., 202.109 acres
Request for a child's lot on easement property

Mr. Hutchins is the original grantor of the easement. The current request is a re-review of a request for a child's lot for the use of his son, Dale Hutchins.

There is one pre-existing dwelling on the property. Two child's lots have been approved on the property. On 9-22-92, the Board approved a lot for Raymond, Jr., and on 5-22-07, the Board approved a lot for Mark Hutchins. Mr. Raymond Hutchins, Sr., does not own any other MALPF district or easement property.

The Board reviewed a request for a child's lot for Dale and his brother, Mark, during the May 22, 2007 Board meeting. At that time, the Board approved the request for a child's lot for Mark, but tabled the request for a child's lot for Dale because the Board was concerned about the location of his lot in the middle of the farm. Dale Hutchins informed the Board that his family intended to request an agricultural subdivision of the property at

some point in the future. The property would be subdivided into three parcels, with each brother receiving approximately a third of the property.

It was suggested by some Board members during the May meeting (minutes attached with the agenda memo) that the location of the child's lot would be viewed more favorably after the subdivision because the lot would then be located close to the edge of the subdivided property. Additionally, some Board members advised Mr. Hutchins that, because of the concerns regarding the location of the lot, it would be preferable if the lot was made non-subdividable from the property. Initially, Mr. Hutchins stated that he thought that this would probably be acceptable to him and his family. However, following some discussion, Mr. Hutchins stated that he was concerned that making the lot non-subdividable could impact his ability to acquire a mortgage.

On August 28, 2007 the Board approved a request to agriculturally subdivide the property into three separate parcels (minutes attached with agenda memo). Mr. Hutchins indicated that he would come back to the Foundation at a later date to request the child's lot.

According to Calvert County, the proposed child's lot is located at the edge of a field that is in a bean and wheat rotation. Access for the proposed lot will be via right-of-way using an existing farm road. The lot is not clustered with the pre-existing dwellings or farm buildings because of topography.

A location along the wood line is unsuitable due to fairly steep slopes in that area (topo lines on aerial attached with agenda memo). A location closer to the existing child's lot (Raymond's) is not desirable also due to fairly steep slopes and a ravine (topo lines on aerial attached with staff memo). Mr. Hutchins plans to use both the area between the proposed lot and the woods and the area between Raymond's lot and the proposed lot as a pasture area for goats. The area is currently planted in grass to control erosion. Mr. Hutchins intends to run a goat cheese operation on the farm. He wants to locate the buildings associated with the operation and the pasture area close to his dwelling. He believes that the operation will be easier to monitor and will have a better chance of success if he lives in a dwelling adjacent to it. Additionally, the proposed lot location is located along the end of an existing farm lane, requiring no further road improvements on the farm.

The request was approved by the local advisory board and conforms to local zoning regulations. If the lot is approved, there will be a required payback of \$1,484.35 per acre to the Foundation.

The family is currently working with an estate planning attorney. Dale Hutchins indicated that his father intends to convey to him the 74.33-acre area surrounding the proposed lot as part of the settlement of the estate.

The Hutchins family would prefer not to make the lot non-subdividable. In addition to the complications associated with acquiring a mortgage for the dwelling, his father and brothers are concerned that, should something unforeseen happen to Dale Hutchins in the future, the family could be compelled to sell off the 74.33-acre parcel if it is connected to the lot. The family would prefer to have the ability to retain the 74.33-acre parcel in the family farm by keeping it separate from the lot.

Mr. Hutchins stated that it was his understanding that completing the agricultural subdivision of the farm, as requested by Board members at the May meeting, was sufficient to satisfy the concerns of the Board. The family was encouraged to make the lot non-subdividable, but it was not a requirement.

Foundation staff recommends approval, conditioned on the completion of the subdivision of the lot at the county level. Mr. Hutchins has indicated that he is currently working with the county to complete the subdivision process. (Note: Mr. Hutchins, Sr., cannot convey the 74.33-acre parcel to Dale Hutchins at this time because doing so would terminate the right to exercise a child's lot right. The property may be transferred once the child's lot right has been exercised.)

Dale Hutchins and Veronica Cristo, Program Administrator, were available at the meeting.

Ms. Cristo stated that Mr. Hutchins has located the lot to be more suitable for the dairy production and is also located in an area that cannot be otherwise farmed.

Mr. Hutchins stated that while considering the location of the proposed lot he and his family looked at all the potential locations and tried to find a spot that meets the Foundation's lot location guidelines and also would not be detrimental to the current and the future farming operations. It would positively impact the future farming.

Mr. Hutchins stated that the large area between the areas is wet pasture, as can be seen in the aerial map. The area above has two areas that has fairly significant slope and can be used for pasture as well. The house and the three building allow Mr. Hutchins to use all the areas that are currently unused for farming. Mr. Hutchins stated that he could have located the house elsewhere, but he is trying to have the best impact on the agricultural use of the land. The current proposed location has the least negative impact. If he chose another location, it might meet the Foundation guidelines, but he would be placing the house, the farm buildings, and the dairy building in the best tillable land. Also he would have to use the best tillable land to create pastures for the goat operation. The lot is located in the worst land that would pass a perc test.

Mr. Hutchins believed that it is important for the house to be co-located with the dairy operations.

Mr. Hutchins mentioned that, in an earlier meeting, the MALPF Board had wanted to know if his family would be willing to keep the lot with the rest of the farm. Initially, he had said "yes" because he planned to live there forever. However, a Board member mentioned about the issues involved in obtaining a loan.

Mr. Hutchins stated that many times families plan their future operations well. However, when the head of the family passes away, the families sometimes get into tremendous financial problems that can result in the loss of the farm. To avoid such problems, his family had hired an attorney four years back. The attorney works with farmers to protect their properties. The Hutchins family was originally willing to have the lot location approved without subdividing the lot from the agricultural subdivision parcel, but their attorney informed them that doing so would compromise their plan because of the number of legal issues that can arise. There are many situations that can occur, such as a family member passing away or moving to a nursing home etc. The attorney believed it could have a detrimental impact on the plans to keep the farm in the family.

Mr. Colhoun asked Nancy Forrester, Assistant Attorney General, Department of General Services, to comment on the request.

Ms. Forrester stated that, at the last Board meeting when the property was discussed, the MALPF Board had approved the agricultural subdivision of three large parcels. Mr. Dale Hutchins's parcel will be 74.33 acres. Ms. Forrester stated that 74.33 acres cannot be conveyed to Mr. Dale Hutchins at this time because then it would terminate the owner's right to exercise a child's lot right. Ms. Forrester was concerned that the subdivision into three parts could move forward and occur even if it is not conveyed to Dale. Ms.

dwelling (one on Idiot's Delight Corporation II and two on Idiot's Delight, Inc) were specifically excluded from the terms of the easement through save and except language. Second, the typical boilerplate language regarding child lot rights was omitted, presumably due to the policy at the time that corporations can't have children. There is ample documentation in the file to suggest that the Hereths fought to preserve the right for lots for the five of their eight children who were not already living on the farm. The MALPF Board and the Office of the Attorney General apparently insisted that the policy be adhered to, and the Hereths finally agreed to strike the language from the deed of easement, rather than lose the opportunity to sell an easement to MALPF.

Sometime during the following 15 years, MALPF adopted the policy of "looking beyond the corporate veil" regarding child lot rights in situations like this where the corporation is completely comprised of family members who are actively engaged in the operation of the farm. On November 26, 1996, the MALPF Board of Trustees approved a child lot for daughter Mary Hereth Jones. The lot for Mary was never released from the easement or subdivided from the farm.

In April of 2004, Idiot's Delight, Inc. and Idiot's Delight Corporation II subdivided the three pre-existing dwellings from the farm. Since they were never encumbered by the terms of the easement, the lots did not have to be released. Daughter Mary and son Edward now own two of the three lots. Grandson Mark owns the third.

On February 27th, 2007 Sibbald Hereth requested a lot for her daughter Ellen. This lot has not yet been released. There have been no other lot requests, other than the owner's lot requested at this meeting. The location of the current request, a child's lot, is consistent with the location shown on a Future Plan which was reviewed by the Foundation at their meeting on February 27, 2007.

According to Howard County, the proposed child's lot is to be directly located on an existing farm lane. The request was approved by the local agricultural advisory board subject to obtaining county and state permits and approvals.

If the request is approved, there will be no payback as the deed of easement pre-dates the requirement for reimbursement of owner's and children's lots.

In conforming to the Foundation's Lot Location Policy, the physical location of the lot should be (in priority order from most to least desirable):

1. Along public roadway and (if they exist) clustered with other dwellings;
2. Along boundary lines, natural boundaries, or the edge of tillable land, and clustered with other dwellings (if they exist);
3. Clustered with farmstead dwellings and buildings
4. Other

Foundation staff recommends approval as it conforms to the Foundation's Lot Location Policy.

Sibbald Hereth and her son Edward Hereth, and Joy Levy, Program Administrator, were available at the meeting to answer questions from the Board.

Motion #8: To approve the request of Idiot's Delight, Inc., for a child's lot on easement property.

Motion: Doug Wilson
Status: **Approved**

Second: Jerry Klasmeier

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There were two other unusual aspects to the deed of easement. First, the three pre-existing dwellings (one on Idiot's Delight Corporation II and two on Idiot's Delight, Inc) were specifically excluded from the terms of the easement through save and except language. Second, the typical boilerplate language regarding child lot rights was omitted, presumably due to the policy at the time that corporations can't have children. There is ample documentation in the file to suggest that the Hereths fought to preserve the right for lots for the five of their eight children who were not already living on the farm. The MALPF Board and the Office of the Attorney General apparently insisted that the policy be adhered to, and the Hereths finally agreed to strike the language from the deed of easement, rather than lose the opportunity to sell an easement to MALPF.

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On February 27th, 2007 Sibbald Hereth requested a lot for her daughter Ellen. This lot has not yet been released. There have been no other lot requests. The location of the current request, an owner's lot, is consistent with the location shown on a Future Plan which was reviewed by the Foundation at its meeting on February 27, 2007.

According to Howard County, the proposed owner's lot is to be located directly on Florence Road. The request was approved by the local agricultural advisory board subject to obtaining county and state permits and approvals.

If the request is approved, there will be no payback as the deed of easement pre-dates the requirement for reimbursement of owner's and children's lots.

In conforming to the Foundation's Lot Location Policy, the physical location of the lot should be (in priority order from most to least desirable):

1. Along public roadway and (if they exist) clustered with other dwellings;
2. Along boundary lines, natural boundaries, or the edge of tillable land, and clustered with other dwellings (if they exist);
3. Clustered with farmstead dwellings and buildings
4. Other

Foundation staff recommends approval as it conforms to the Foundation's Lot Location Policy.

Sibbald Hereth and her son Edward Hereth, and Joy Levy, Program Administrator, were available at the meeting to answer questions from the Board.

Motion #9: To approve the request of Idiot's Delight, Inc., for an owner's lot on easement property subject to receiving documentation from the Corporation on its approval of the transaction.

Motion: Doug Wilson
Status: **Approved**

Second: Jerry Klasmeier

F. BALTIMORE COUNTY

1. 03-08-04 Land Preservation Trust 228.494 acres
Re-review of easement application

At last month's Board meeting, this easement application was approved subject to withholding two parcels totaling approximately 60 acres (10 acres and 50 acres) and subject to local advisory board approval. This configuration was not the same as the original application, but agreed upon by Land Preservation Trust representative, Ned Halle, at the meeting.

However, after full consideration of the Foundation's approval of 60-acre exclusion, the Land Preservation Trust, with the support of the County Administrator, requests the Foundation reconsider its decision and consider approving the original proposal of 10-acre exclusion.

The Land Preservation Trust understands that the property will only receive an offer if it receives a sufficient rank and is found to be consistent with the Equestrian Uses policy.

A proposal has been submitted to the County Development Board for the reallocation of 2 development rights onto the proposed easement acreage. This proposal was reviewed on October 22, 2007, and the decision will be reported at the Foundation's meeting. Without the transfer, the property would not have any density.

Staff recommends approval of the 2008 easement application.

Charles Fenwick, Jr., Rob Hoffman, Representatives for Land Preservation Trust/Shawan Downs, and Wally Lippincott, Program Administrator, were present at the meeting to answer questions from the Board.

Diane Chasse, MALPF staff, clarified that in the staff memo she had indicated transfer of 2 development rights, but in actuality it is a reallocation. A minor subdivision had been approved.

Mr. Lippincott stated that the farm is 238 acres and is located in Worthington Valley. Mr. Lippincott passed out the aerial maps indicating the location of the farm. The Worthington Valley is the heart of the equine farm community in Baltimore County. The Shawan Downs anchors the Worthington Valley on the east side. It is a very important anchor in the context of County's agricultural standards. It is a very important property strategically for equine uses and the preservation work in Worthington Valley. West of the property the County has MD Hunt Cup, MD Stallion Station and the Sagamore Farm. Sagamore Farm has been a part of the easement program since 1989.

Throughout the year, with the exception of event days, Shawan Downs is dedicated to farming. It has 45 acres of tillable land, 123 acres of pasture, 60 acres of woodland, and 10 acres of farm buildings. The Land Preservation Trust is asking for an exclusion of only 10 acres. The soils of the property are not only among the most productive in the County but are also among the most productive soils in the State. The Horse Industry in the Baltimore County is the largest agricultural sector and there is a considerable trickle down effect on other types of farm operations in the County. It is a very important component that helps maintain agriculture in the Baltimore County. For all these reasons, the Baltimore County Agricultural Land Preservation Advisory Board ranked this farm as number 1 out of the 3000 acres easements properties that applied.

Mr. Lippincott was told that the State is concerned that the transfer of development rights to the properties may create a precedent. Mr. Lippincott emphasized that the Baltimore County does not have transfer of development rights program and the TDR program was never established. The RC 2 zoning is complicated zoning and is created for agricultural preservation. There is one subdivision per 50 acres and that subdivision will be small as if creating a one acre lot or a 10-acre lot depending on the discretion of the landowner. The landowner has a certain number of rights based upon the size of the property under the zoning. The County reviews how the landowner uses his rights. Whether the landowner wishes to sell rights for subdivision or to sell an easement, Baltimore County reviews that. Mr. Lippincott stated that he makes sure the proposed outcome is in compliance with the County Zoning. In the current request the County has taken extra precautions at the suggestion of the MALPF staff. The County is going to document and verify the development rights, and, therefore, there should be no concerns on this issue.

Charles Fenwick stated that the Land Preservation Trust bought the property ten years earlier when it had six development rights. Around five or six years ago the Land Preservation Trust sold 50 acres to Mr. Kennedy. At that point, Mr. Kennedy had five development rights and the Land Preservation Trust had one. Last summer, Mr. Kennedy asked about reallocating rights back to the Land Preservation Trust part of the property.

Rob Hoffman stated that in 1995 he participated in a special hearing before the zoning commissioner to confirm how many development rights were available, not only on this property, but also on the additional 385 acres located on the west side of the property. Through that special hearing Mr. Hoffman confirmed the number of development rights available on the property. Subsequently a minor subdivision plan will show the areas. On the minor subdivision plan created, it is indicated that there are six lots permitted on the total acreage. It does not say where on the total acreage, but the lots are permitted. Baltimore County through zoning is not particular about the location of the unit as long as it is within the boundaries of the property marked for subdivision.

Mr. Hoffman agreed with Mr. Lippincott's plan and read from the 1995 case which stated that, "as it is well settled the estate and title of the property as on November 25, 1979 establishes the amount of subdivision which is permitted for any RC zoning tract." So the boundaries of the property on November 25, 1979, have to be determined and that gives the number of development units that are available. Beyond that, it is up to the private property owners within that ownership area to determine what density is allocated to which one of the lots, and that's how the allocation occurs.

Mr. Hoffman stated that within the area that is contained in the minor subdivision plan, the reallocation would normally be shown on the minor subdivision plan. In response to the concerns expressed, and keeping in mind the abundant caution desired, they met the County Development Review Committee and determined whether revisions to this particular plan will be considered. The next steps would be to take the plan and put a new date on it for approval by the Baltimore County. It goes back to the Permits and Development and they will re-execute the plan showing the allocation of the development rights.

Mr. Kennedy's acceptance of the reallocation of development rights would be reflected on the minor subdivision plan and also would be reflected in a new deed. The County permits this.

Mr. Tassone stated that after talking to a couple of Board members after the last month's Board meeting, he became concerned with the possible precedent. He remembered the concerns expressed by Tammy Buckle, Program Administrator, Caroline County, at the end of the last month's Board meeting. Mr. Tassone wanted to have Ms. Buckle's opinion about the possible implications of the current request.

Ms. Buckle stated that she was concerned after the last month's discussion about transferring development rights back to the property so that it will qualify for the MALPF Program. But hearing today's discussion Ms. Buckle concluded that she understood that the development rights are actually from the original tracts and it is just going to be a juggling of the original development rights that were on the entire original tract. Ms. Buckle stated that after hearing the discussions, she personally did not have any objection.

Mrs. Schultz wanted to know how many development rights were transferred back to this property.

Mr. Lippincott stated that two development rights are being allocated back to the property. The easement cannot be sold if it does not have development rights.

Mr. Fenwick stated that the Land Preservation Trust bought the property ten years earlier. The Trust wanted to preserve that piece of property and wanted to extinguish the development rights but they could not give them away. When the property was subdivided the Trust added some of its rights to get some compensation. When this came up and Mr. Lippincott presented the facts, the Land Preservation Trust wanted to extinguish the development rights. This looked the best way to accomplish that.

Mr. Tassone asked if Mr. Kennedy would like to use the rest of the development rights. Mr. Fenwick stated that Mr. Kennedy wants to get rid of the development rights.

Mr. Tassone commented that when the 60 acres was subdivided and given to Mr. Kennedy, the property as a whole before the subdivision had six development rights. Mr. Kennedy got five of them on the 60 acres. Mr. Kennedy used one for a dwelling on the property and has four remaining development rights. So if Mr. Kennedy gives two back to Shawan Downs he will have two development rights remaining and he somehow wants to get rid of them, though, not by building.

Mr. Doug Wilson wanted to know if Mr. Kennedy can exercise four development rights on his property. He wanted to make sure there is something to give before asking the State or the County to accept the easement.

Ms. Forrester stated that both the properties are covered by Forest Conservation easement. Those easements prohibit farming and parking of vehicles for public events. She was concerned that, given the fact that the Kennedy property is covered by much of a forest conservation easement, could he actually find the place to exercise his four development rights?

Mr. Hoffman stated that he has Mr. Kennedy's forest conservation easement plan. Looking at the plan there seems to be enough acres available for both the uses mentioned. There is a forest conservation easement on the site plan.

Ms. Forrester stated that there are 33 acres on one, 34.9 acres on the second and 35.5 and she is aware of the configuration.

Mr. Lippincott stated that there could not be any parking in the woods; parking will be only on the fields. The rest of the areas would be used for hay production. The Forest Conservation easements allow RC harvesting in accordance with their management plan and has the approval of the Baltimore County. Mr. Lippincott stated that forest buffer easements do not permit harvesting immediately adjacent to the stream.

Mr. Lippincott stated that 4 or 5 acres on Cuba Road are outside the forest conservation easement. Right outside Mr. Kennedy's house there are two developable locations. Given the soils and perc ability Mr. Lippincott did not see any issue.

Mr. Colhoun asked the MALPF Board if it would like to make a decision to rescind the exclusion of 50 acres or would like to make any other comments.

Mr. Tassone stated that whether or not the racetrack should be excluded is dependent on the outcome of the Equine Committee's discussions. The decision has to be consistent with the Committee's broader recommendations.

Mr. Colhoun stated that Howard Freedlander, Chair, Equine Committee, is not available at the meeting, and the Committee may possibly be submitting its report during November Board meeting for discussion. Depending upon that discussion or future changes, the Committee may submit its report for approval or further amendments in December 2007 or January 2008. Mr. Colhoun also wanted the Board to keep in mind that, given the request for 10 acres withheld in the middle of the farm, is that something the MALPF Board would like to look down the road? This could also set a precedent for future requests for excluded acreage.

Mr. Tassone stated that he is aware that the MALPF Board has allowed excluded acreage in the middle of the farm, but it seemed to be a questionable practice. The 10 acres is subject to constraints of the Baltimore County's RC 2 zoning and is owned by Shawan Downs which is not going to let anybody do something that is incompatible with the uses of the property. Mr. Tassone was concerned about the possibility of the owner selling it separately.

Mr. Doug Wilson wanted to know what is on the 10 acres area.

Mr. Fenwick stated that there are three rectangular milking barns. One of the barns is historic and an older barn. There are four structures that were used as milking parlors.

Mr. Doug Wilson recommended rescinding the previous exclusion of 50 acres around the racetrack. The MALPF Board had already approved the 10-acre exclusion. Mr. Doug Wilson considered the racetrack use to be short term.

Mr. Tassone stated that Mr. Freedlander spoke to him a day before the Board meeting. Mr. Freedlander expressed his concerns and stated that he was not sure how the request would come out relative to the Committee's conclusions. Mr. Freedlander did mention that the number of events may be six.

Mr. Fenwick stated that certainly there won't be six events this year but that may be a possibility in the future.

Mr. Tassone stated that Mr. Freedlander felt that even though events take place only on the racetrack, the implication is that the rest of the property is affected by the events.

Mr. Lippincott stated that, as indicated earlier, Land Preservation Trust understands that if the Foundation decides that the uses are not permitted under the MALPF easements, it would have to decide whether it wants to discontinue the uses and continue with the easement sale. Second that is exactly the configuration the MALPF Board approved when the request came in last year. It was decided that the request would move forward and, if the Uses Committee's report came in differently, the Land Preservation Trust would have to make a decision at that time.

Mr. Doug Wilson wanted to know how this change will affect the appraisals. The property is currently under the process of being appraised.

Ms. Forrester stated that currently the farm does not have any development rights. Ms. Forrester wanted to know if Department of General Services has been instructed about the

development rights. Further, Ms. Forrester pointed out that the Foundation cannot change its policy in the middle of the easement cycle.

Ms. Forrester commented that as of July 1, 2007, the date of the appraisal under statute, there were no development rights on the property. The appraisers have to be informed about the development rights.

Ms. Buckle stated that she believed the MALPF Board would face lot of issues like the current one. Earlier the MALPF Board reviewed all such issues when the property entered the program as a district. These things now have to be worked out before the deadline.

Mr. Doug Wilson agreed and stated the Foundation has to think about the process without the requirement of a district. 90% of the issues would have been resolved when the Foundation evaluated the district application. There has to be some modifications or changes in the way the easement applications are evaluated for the program.

Ms. Forrester pointed out that the district agreement on the property was recorded improperly. The district agreement was never signed by the MALPF Board and was not completed. It was incorrectly recorded by the Baltimore County. Ms. Forrester was concerned about the State tax benefit or the County tax benefit associated with this agreement.

Ms. Chasse agreed and stated that the district agreement should not have been recorded because the Equine Committee's report was not yet ready. Mr. Lippincott stated that one has to apply for the County tax credit to receive the tax benefit and Land Preservation Trust has not applied.

Motion #10: To rescind the previous exclusion of 50 acres around the racetrack.
Motion: Doug Wilson Second: Joe Tassone
Opposed: Vera Mae Schultz
Status: **Approved**

2. 03-83-14c Bellevale Farm, Inc. (Prigel) 180 acres
Request to allow a creamery operation, processing facility and farm store on an easement property

Mr. Robert Prigel, of Bellevale Farm, Inc., is the original owner of the easement property. The current request is to allow a creamery operation, processing facility and farm store on an easement property. There is one pre-existing dwelling on the farm.

According to Baltimore County, Mr. Prigel would like to construct a 7,000 to 10,000 square foot building to house the creamery operation, processing facility and a farm store. As well, he is requesting a parking area that would accommodate fewer than 10 vehicles. The parking area is proposed to be located on Long Green Road with the creamery directly behind it. A short distance of access on an existing farm lane may be needed.

The request was approved by the local advisory board. Mr. Prigel would be required to obtain a special exception because county regulations do not allow the proposed activity in the area where the farm is located.

According to the Uses Table which was approved by the Board the following are the considerations for review:

- Must not interfere with other agricultural or silvicultural operations.
- Must not limit future agricultural or silvicultural production.
- Easement or district owner must have an ownership interest in the operation.

Some of the products must come from animals raised or crops grown on site; the remainder from animals or crops indigenous to Maryland.
Facility and parking area must cover no more than 2% (two percent) of the easement/district, or two acres, whichever is smaller.
Parking area must be pervious.
Accessory sales area must not exceed 600 sq. ft.

Foundation staff recommends approval of the request subject to the parking lot being pervious.

Robert Prigel and Carmela Iacovelli, Natural Resource Specialist, were present at the meeting. Mr. Prigel handed out aerial maps of his property.

Mr. Colhoun stated that he had visited the farm and believed the aerial map being circulated by Mr. Prigel accurately depicts the building and how it is going to be located on the property. The building is rectangular and is going to be parallel to the farm configuration.

Ms. Iacovelli stated that there were some concerns about the nature of the parking lot. The County Zoning requires a dust-less and durable parking surface. Ms. Iacovelli spoke to the staff at the County Zoning and they said that the owners could put in hard surface. The only downside of the requirement is that it could be expensive because it is a block with grass in the center which is pervious.

Mr. Prigel stated that his family has been dairy farming in Maryland for generations, and he is the fourth generation dairy farmer in Baltimore County. His family's future generation is also interested in farming. Currently Baltimore County has around eight or nine dairy farms remaining; dairy farming in Maryland has declined over the past twenty five years. People have to compete with farms in Russia, India and worldwide. Mr. Prigel has a comparatively small farm and stated that it is very difficult for small family dairy farms to compete with large corporate dairies. The farm is undergoing transition to become organic, and their desire is to construct a processing facility to process milk.

Mrs. Schultz pointed out that one of the Uses Committee's recommendations is that the parking area must cover no more than 2% (two percent) of the easement/district, or two acres, whichever is smaller. Mrs. Schultz wanted to know if Mr. Prigel has considered this requirement.

Mr. Prigel stated that his facility is not more than 10,000 square foot and the parking lot is very small.

Motion #11: To approve the request of Belleval Farm, Inc., to allow a creamery operation, processing facility and farm store on an easement property subject to the parking lot being pervious.

Motion: Joe Tassone Second: Jerry Klasmeier
Status: **Approved**

Mr. Doug Wilson commented that there would be a problem if, during the easement inspections, it is discovered that the parking area is of impervious surface. The parking lot being pervious is the Foundation's requirement. Baltimore County would have to plan and have someone from the Health Department visit the property and help the client.

Mr. Amoss pointed out that the County may also have some provisions for impervious surfaces to meet the handicap requirements.

Mr. Lippincott stated that the County is trying to make the whole parking area totally

pervious, but it is little challenging. The State has developed many rules to utilize more and more pervious parking and sometimes it might put additional burdens on the farm users. Baltimore County will work it out.

Mr. Doug Wilson stated that he felt the other way. Mr. Doug Wilson believed the State and other institutions are putting the onus on local government, the people who design the parking lot, the handicap associations, etc, to be more respectful of the pervious surfaces. They would have to give more latitude on what will be allowed.

Mr. Lippincott stated that the problem is actually getting them to work. The County continues to work on the issue over time, but the issues continues to be an engineering challenge.

Mr. Colhoun commented that the discussions have been very useful and stated that Mr. Prigel's parking lot is very small compared to others.

F. SOMERSET COUNTY

1. 19-08-09 Gerard and Donna Dumsha 257.22 acres
Re-review of easement application

At the August 28, 2007 Board meeting, this easement application was approved with the withholding of 9 acres of barrow pits. However, since then, it has been determined that a portion of the property lies within a water and sewer district, and, therefore, additional review is necessary.

According to Somerset County, approximately 24 acres or 9 % of the property lies within the planned water and sewer district. On October 2, 2007, the County Commissioners approved the easement application with the inclusion of these acres. The County administrator reports that sewer and water may still be extended past the proposed easement by keeping it within the right-of-way of the road.

Staff recommends approval based on meeting minimum size and soils criteria. Normally, land located in the planned water and sewer area is not eligible for the program. However, § 2-509 (d) (4) provides an exception if the land "is outstanding in productivity and is of significant size." Staff recommends that the Foundation approve the exception because: 1) the property is relatively large for the county; 2) the soils are excellent quality (100% prime); and 3) the majority of the property lies outside the water and sewer area. It would not serve the interests of the program to require the landowner to exclude the area of the property from the easement. A letter from the Soil Conservation District was attached with the agenda memo.

Tom Lawton, Program Administrator, was available at the meeting. The County's water and sewer plans are fairly general and do not have a specific measurement to give the landowner. The County Zoning is R2 and that is 600 feet from the road. It is the policy of the County that service will be extended in the right-of-way and not across the property.

Mr. Colhoun had stepped out of the meeting at 11:10 am and returned at 11:15 am. Mrs. Vera Mae Schultz, Vice Chair, chaired the meeting in his absence.

Motion #12: To approve the re-review of Gerard and Donna Dumsha's easement application.

Motion: Doug Wilson Second: James Pelura
Status: **Approved**

IV. PROGRAM POLICY

A. Forest Mitigation Report – an informational item

Mrs. Schultz, Chair, Forest Mitigation Committee, presented the draft recommendations and urged Board members and Program Administrators to comment on the draft. The Committee had received the comments from Carroll County and had forwarded it to Board members and Program Administrators.

At several recent Board meetings, forest mitigation was an issue, and the Committee was appointed to look at it and prepare a policy.

Forming the proposed policy were committee members Adam Block (Maryland Environmental Trust), Diane Chasse (MALPF staff), Marion Honeczy (Department of Natural Resources, Forest Service), Charles Rice (Program Administrator, Charles County), Carl Robinette (Soil Conservation District, Allegany County), Joe Tassone (Maryland Department of Planning), Dan Van Hassent (Department of Natural Resources, Forest Service) and John Zawitoski (Program Administrator, Montgomery County). Input was also received from Vince Berg (Forestry and Conservation, Inc.); Royden Powell (MDA Resource Conservation); Dan Colhoun, Jim Conrad, Carol Council, and Elizabeth Weaver. Mrs. Schultz thanked all the members of the Committee for their inputs.

Mrs. Schultz acknowledged that currently not all the counties allow forest mitigation on easement properties. Also Allegany and Garrett County are exempt from the Forest Conservation Act, because they already have 250,000 forested acres in their counties.

OVERVIEW

When land is developed in Maryland, the Forest Conservation Act of 1991 requires retention, reforestation, or afforestation of specified amounts of forested land onsite or, if necessary, offsite. As more land is developed throughout the state, there are increasing requests to mitigate forestland away from development sites. The Maryland Agricultural Land Preservation Foundation (MALPF) is beginning to receive requests from easement landowners for forest mitigation on their farms for off-site development.

The Foundation's mission is to preserve productive farmland and woodland

- 1) for the continued production of food and fiber for all of Maryland's citizens;
- 2) to curb the expansion of random urban development;
- 3) to help curb the spread of urban blight and deterioration;
- 4) to help protect agricultural and forest land as open space;
- 5) to protect wildlife habitat; and
- 6) to enhance the environmental quality of the Chesapeake Bay and its tributaries.

It is recognized that forest mitigation on land under MALPF easements has benefits. It can be a best management practice (BMP) under a Soil Conservation and Water Quality Plan to insure that sensitive areas or land unsuitable for field crops are not compromised or degraded. It can assure that the forest resource will remain forever for fiber production and for natural resource benefits, such as air quality, water quality, and wildlife habitat. It may provide income for the landowner that can help fund good stewardship of land and water resources and be an added incentive to enter the MALPF program.

At the same time, forest mitigation on land under MALPF easements may compromise or undermine the Foundation's goals by facilitating more, rather than less, development. It restricts the land to forestry in perpetuity, reducing the current and future landowners' flexibility in use of the land. It limits the opportunity to preserve other land that does not

have a conservation easement. It may provide a pool of land for developers needing to mitigate. It may be viewed as double dipping, if the landowner is compensated for the mitigation after he/she has received compensation for the MALPF easement. Mitigating on existing forest land rather than on non-forested land does not advance Maryland's goal of "no net loss of forestland" in protecting the Chesapeake Bay watershed.

The policies on forest mitigation under "sister" programs were noted. The Maryland Environmental Trust (MET) has language in its easements that states, "Grantor further agrees that the Property shall not be used to provide required open space for the development or subdivision of another property, nor shall it be used in determining any other permissible residential, commercial or agricultural uses of another property." However, MET recently has given conceptual approval to a forest mitigation banking proposal in conjunction with a conservation easement on a property in Frederick County. It appears that MET is at least willing to consider these proposals on a case-by-case basis. The Rural Legacy Program does not support forest conservation overlay easements that are intended to serve as mitigation. It is the belief of the Program that this would result in less overall forest conservation because already protected properties would be used for mitigation, as opposed to land that is unencumbered and still developable.

Mr. Doug Wilson wanted to know if MET restricts forest mitigation more than MALPF? He wanted more clarification.

Ms. Chasse clarified that MET earlier did allow forest mitigation, but then discontinued it, and then recently approved one property for mitigation.

Mr. Doug Wilson asked Pam Bush, Department of Natural Resources, for her comments on the position taken by Rural Legacy.

Ms. Bush stated that Rural Legacy does not allow it. Local policy in Department of Natural Resources is not to allow forest mitigation.

Ms. Chasse believed she was informed by Shaun Fenlon, Department of Natural Resources, that some counties allow it and some don't. Mrs. Schultz stated that she will get the clarification.

Mr. Doug Wilson stated that the MALPF Board has discussed in detail about allowing forest mitigation. The Foundation buys development rights, but doesn't restrict the landowners' ability to utilize the property. This brings up series of issues. It is not necessary that the Foundation's policy has to be the same as its sister programs, but when there are differences, the Foundation should be able to clearly articulate why the Foundation allows something that is not allowed in its sister programs. Mr. Doug Wilson personally believed there should be a discussion with Department of Natural Resources before the MALPF Board approves the policy.

Mr. Colhoun agreed and asked Ms. Chasse if she was aware what was the fundamental reason for the change in MET's approach.

Ms. Chasse stated that the landowner with large property approached MET and conveyed that he will donate an easement on his property but wanted MET to support mitigation on the wooded part. It was hard for MET to turn down the request.

It is acknowledged that some jurisdictions in the state do not allow forest conservation easements on land that already is under a preservation easement. Therefore, the following recommendations apply to land in those jurisdictions that allow forest conservation easement overlays on land under a preservation easement.

RECOMMENDATIONS:

POLICY AND PROCEDURES

Considering the above benefits and disadvantages, it is recommended that the Foundation limit forest mitigation on MALPF easements and districts, but consider mitigation proposals from landowners on a case-by-case basis. The following procedures are designed to ensure that, when forest mitigation is allowed, it will be a legitimate means to practice good stewardship that complements the Foundation's interest in farm and forest production and will facilitate development that supports and does not compromise the Foundation's goals.

LAND ELIGIBLE FOR FOREST MITIGATION

For land under a MALPF easement to be eligible for consideration for forest mitigation, it must be other than Class I, II, or III unless mitigation on that land will serve a resource conservation purpose as part of a Soil and Water Quality Plan prepared by the Soil Conservation District.

RESOURCE CONSERVATION

A forest mitigation proposal must serve a legitimate resource conservation purpose under a Soil Conservation and Water Quality Plan. To that end, Foundation staff, in coordination with the Soil Conservation District, will verify each of the following:

The proposed mitigation must

- contribute substantially to good land and environmental resource stewardship on the farm;
- be an appropriate best management practice (BMP) to achieve the resource conservation objectives for the farm, based on NRCS standards and estimates;
- be included in the Soil Conservation and Water Quality Management Plan and a Forest Stewardship Plan for the farm; and
- permit sustainable forest stewardship practices, including prescribed harvests.

The Maryland Department of Agriculture's Resource Conservation Operations (MDA-RCO) unit will be given the opportunity to review Soil Conservation District findings on these matters, advise the Foundation if it agrees with them or not, and if not, explain why.

COUNTY AGRICULTURAL ADVISORY BOARD RECOMMENDATION

The county agricultural land preservation advisory board must review a forest mitigation proposal and make a recommendation to the MALPF's Board of Trustees before a proposal will be considered by the Board. The county advisory board members should consider the factors established in this policy and procedure statement and should convey to the Foundation the basis for their recommendation.

DEVELOPMENT ACTIVITY AND ITS IMPLICATIONS FOR THE FOUNDATION'S GOALS

The development project(s) facilitated by a forest mitigation proposal must pass several screening tests.

- The local government (program administrator or responsible party, at the discretion of the county) must identify in writing the type of development activity for which mitigation is required, inform the Foundation if the development activity is subject to

the county's approval and, if it is, verify that the county either has approved the project or believes that the development project is consistent with the plans, ordinances, and regulations governing its approval.

- The Maryland Department of Planning (MDP) must provide a written opinion stating that the development project is in a Priority Funding Area recognized by the State, is consistent with the local comprehensive plan and State Planning Policy, and is not likely to encourage or support substantial further development in areas the Foundation is attempting to preserve.

BOARD ACTION

When it has received a recommendation from the Foundation staff, based on information from the county, the Natural Resources Conservation Service, the Maryland Department of Planning, and MDA's Resource Conservation Operations, the Board will determine if the mitigation is appropriate for the easement land and if the development project facilitated by the proposed mitigation is compatible with the Foundation's goals and objectives. The Board will consider:

- The restrictions that would be imposed on the current and future production options for the land;
- The potential effects of the forest mitigation on the ability of subsequent owners of the land to conduct profitable activities on the land, compatible with the Foundation's easement; and
- Whatever other considerations it finds appropriate and necessary to determine the proposal's compatibility with the Foundation's goals and objectives.

If the request is for forest mitigation banking, the Board will act on the concept after considering the criteria recommended herein and the county's forest conservation policies. If the mitigation banking request is approved by the Board, installment withdrawals from the mitigation bank can be approved by the MALPF staff and will not require additional Board approval.

ADDITIONAL CONSIDERATIONS

Unless it determines that the State's interest in the land is somehow compromised by the doing so, if the Board approves a forest mitigation proposal or forest mitigation bank proposal, it will

- not concern itself with mitigation payments from the developer to the landowner; and
- maintain the superior position of the Foundation's easement on the mitigation acreage, making appropriate adjustments in the forest conservation easement.

Mr. Doug Wilson stated that the Foundation has always permitted forest conservation easements as long as the forest remains harvestable. When the forested area is along a stream bed, the Foundation will allow non-harvesting (as long as it tie into the best management practice development plan). Landowners will be told not to farm that property; it is too close to the stream, too much slope, etc.

Mrs. Schultz concluded the presentation and noted that this month's presentation has been only informational, and the MALPF Board does not have to vote this month.

Ms. Forrester was concerned about the perpetual nature of the forest mitigation easements, especially because they could affect the MALPF Easements that have the right to request termination after 25 years if profitable farming is no longer feasible. Ms.

Forrester recommended that the forest mitigation policy should also require the landowner to waive the right to request termination of the MALPF easement.

Mr. Colhoun and Mr. Doug Wilson agreed with the suggestion. Mr. Doug Wilson added that the Foundation has always talked about the management decision of the current landowner, but the Foundation recognizes that, when it limits future options, such decisions have longer-term impacts. A waiver of the termination clause can be done by amending the easement.

Mr. Tassone stated that, by the same token, he does not want the waiver of the termination clause to distract the Board's attention from its own evaluation. In the draft policy outlined, two of the Board's considerations would be looking at the restrictions that the forest conservation easement will impose on current and future production options and the potential effects on the ability of subsequent owners to conduct profitable activity.

Mr. Doug Wilson suggested the Committee may consider the idea of waiving the 25-year clause given the size of forest mitigation being requested. If the landowner has 300-acre farm, 3 or 4 acres under forest conservation easements may be okay. He was not sure if the Foundation should force the farmer to waive. The Committee may consider a percentage or a number of acres to determine the implications.

Ms. Forrester agreed with Mr. Tassone's comments, because, although the newer MALPF easements do not have the right to request termination, in the future, maybe a 100 years from now, the whole purpose of the MALPF easement could be deemed to have been "frustrated" by the forest mitigation easement, and a court could order the MALPF easement terminated.

Tom Lawton, Program Administrator, Somerset County, stated that most of the County's woodland is going to stay in woodland. If someone approached the County and wanted to mitigate on the existing woodlands, the County would probably say 'No' because it is already protected.

Wally Lippincott, Program Administrator, Baltimore County, stated that the County would probably take the same stand as the MALPF Board. If the MALPF Board approves the forest mitigation, the County would agree because it would be difficult for the County not to do something that the State has decided.

Mr. Colhoun commented that Mr. Lippincott's comments illustrate that the MALPF Board's decision has a rippling effect across the State.

Mr. Doug Wilson commented that the MALPF Board has been working on this policy for 18 months. The Foundation has 23 county program administrators and the MALPF Board heard the response of the two counties. In the absence of other responses, Mr. Doug Wilson is assuming that the other 12 or 15 county program administrators are supporting this policy. Otherwise it makes no sense for the MALPF Board to be talking about the policy if the county administrators don't think it is a good policy. Mr. Doug Wilson was keen to hear from the county program administrators whether their Board supports or disagrees with the policy change.

Veronica Cristo, Program Administrator, Calvert County, commented that Calvert County's program do allow forest conservation on its agricultural districts. What the County does is also to request for "two for one program." If a landowner requires 1 acre of forest conservation and if he is purchasing forest conservation TDRs, the landowner will be required to purchase two instead of one. Calvert County has chosen to allow forest mitigation on already preserved land.

Ms. Bush shared one of the concerns at DNR. Public money has already been spent to extinguish the development rights. In some ways, the developers are getting a free ride in terms of public funds to pay for development rights, and then they can plant the trees and get compensated for planting the trees.

Mr. Doug Wilson stated that is the key point the Committee was wrestling with. Mr. Doug Wilson added that is the reason he wanted a statement of policy to clearly articulate why the Foundation is taking a particular posture.

Mrs. Schultz asked Vince Berg, Forester, Montgomery County, if he had any comments.

Mr. Berg stated that the forested land is not protected under MALPF easements. Mr. Berg is aware of forested properties where the landowner wanted to turn it all into pasture, but it was covered by a Forest Conservation easement. As soon as the farmer found out he could not do what he wanted, he purchased another farm. It is the long term management, long term conservation and long term stewardship interests of this land. That is what forest conservation easements are all about and that is why they are allowed in Montgomery County because they know these lands are not locked up in forests. All the easements handled by Mr. Berg are harvestable. The only things that are not harvestable are the buffers along the streams.

V. INFORMATION AND DISCUSSION

A. Kent County Re-certification

Certification of County Agricultural Land Preservation Programs: Recertification Request from Kent County

Kent County has submitted an application for Certification of a local Agricultural Land Preservation Program and is requesting Foundation approval. Below are some highlights:

- 5,589 acres were preserved during the reporting period (2003-2007).
- Strong, protective zoning in the Agricultural Zoning District where the base density is 1:30.
- The County's Comprehensive Plan emphasizes the preservation of the County's rural character and agricultural resources. Agriculture is considered a permanent and preferred land use, which is reflected in the goals and strategies in the plan and the regulations of the County's Land Use Ordinance.
- The County Ordinance, which became effective in October 2003, reflects a clear strategy that discourages fragmentation. Subdivisions within the Agricultural Zoning District cannot use more than 10% of the parcel for lots; however, subdivisions where all the proposed lots and the remainder are over 100 acres do not count toward the maximum developed percentage.
- The County prohibits uses in the Agricultural Zoning District that could be incompatible with farming, including new churches. The County has expanded uses that support agriculture, such as structures for processing of animals and farm products.
- Kent County has the highest percentage (66%) in the State of total land area dedicated to farms.
- As part of the Eastern Shore 2010 Agreement, the County agrees to guide at least 80% of new growth to designated growth areas.
- The County was successful in reversing an earlier trend of growth in areas designated for agriculture. Recently, more lots are created in areas designated for growth.
- The Comprehensive Plan calls for growth to occur slowly and deliberately at a manageable rate which does not exceed the County's historic growth rate.

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1) State Government Article Section 10-508 (a) (3) to consider an offer to purchase an agricultural land preservation easement,

2) Section 10-508 (a)(7) to consult with counsel to obtain legal advice on two legal matters in Garrett County, and one legal matter in Howard County, and

3) Section 10-508 (a)(8) to consult with legal counsel about pending litigation concerning an Easement enforcement action (*State of Maryland v. Stitzel, et al., Circuit Court for Washington County*), and a title defense action (*Wood v. Hinderhofer, et al., Circuit Court for Harford County*), and potential litigation in Carroll County and potential litigation in Baltimore County.

Motion #14: To adjourn regular session and move into a closed Executive Session to consider the acquisition of an agricultural land preservation easement and to consult with legal counsel about five legal matters, and pending litigation.

Motion: Doug Wilson Second: Joe Tassone

Vote: 7 in favor
None opposed

Status: **Approved**

The regular session of the Board meeting was adjourned at approximately 11:50 am.

Respectfully Submitted:

Rama Dilip, MALPF Secretary

James Conrad, Executive Director