



FREDERICK COUNTY GOVERNMENT

OFFICE OF AGRICULTURE
Department of Agricultural Preservation

Jessica Fitzwater
County Executive

Katie Stevens, Director
Shannon O'Neil, Administrator

Agricultural Reconciliation Committee

AGENDA

December 4, 2025 at 6:00pm
First Floor Hearing Room
Winchester Hall
FINAL 11/25/2025

AGENDA

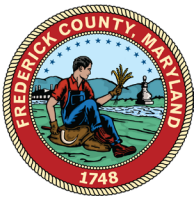
- I. Call to Order
- II. Attendance
- III. Approval of the Agenda
- IV. Approval of the Minutes from September 24, 2025
- V. Reports
- VI. Old Business
- VII. New Business
 - a. Consideration of Complaint from Maria Late regarding Chestnut Hill Farm
- VIII. Comments and Announcements
- IX. Adjournment

Next Meeting Date: TBD

Frederick County Government does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, disability, familial status, gender identity, sexual orientation or source of income.

All Frederick County Boards and Commissions are subject to:

- 1) the Open Meetings Act requiring reasonable advance notice of meetings be provided, to make the agenda available in advance, to hold meetings openly, and to adopt and retain minutes; and*
- 2) the Public Information Act, meaning any member of the public may request any record pertaining to the work group at any time.*



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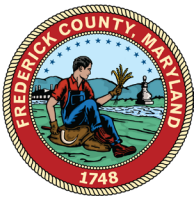
Jessica Fitzwater
County Executive

Katie Stevens, Director

Agricultural Reconciliation Committee Open Session Meeting Minutes of September 24, 2025 Virtual DRAFT 11/25/2025

- I. **Call to Order:** Denny Remsburg called the meeting to order at 3:01pm.
- II. **Attendance:** Katie Stevens, Director, Office of Agriculture, Beth Ahalt, Agriculture Preservation Program Specialist, II, Sam Hunter, Civic Association Representative Denny Remsburg, Frederick County Farm Bureau Representative, Denny Willard, Agriculture Business Representative, Joshua Brewster, Assistant County Attorney Margaret Koogle, Frederick County Association of Realtors Representative, Sandra Tucker, Agriculture Preservation Advisory Board Representative, Nicole Ripley, Pamona Grange Representative, Russell Winch, MD Municipal League.
- III. **Approval of the Agenda and Minutes:** Denny Remsburg made a motion to approve the agenda. The motion was seconded by Denny Willard. The motion was approved 4-0-0-2. Moved by Denny Willard and Seconded by Sandra Tucker. Russell Winch abstained. 6-0-1-0.
- IV. **Reports-** No reports.
- V. **Old Business-** No old business.
- VI. **New Business-**
 - A. **Miranda Ducey, Boards and Commissions Admin Coordinator:**

Miranda introduced herself to the Committee and reviewed her job duties as the Administrative Coordinator for the Boards and Commissions throughout the County. She shared with the Committee that she encouraged them all to work on their Open Meetings Act Certificate before the end of the year.
 - B. **Rules of Procedure and Bylaws Overview:** County Attorney Joshua Brewster reviewed the Rules of Procedure and Bylaws to the Committee. The committee accepted the Rules of Procedure and the Bylaws. Russell Winch made a motion to approve the Rules of Procedure and Bylaws and Denny Willard seconded the motion. 7-0-0-0.
 - C. **Comments and Announcements-** None
 - D. **Public Comment** – None.
 - E. **Adjournment** – Russell Winch moved to adjourn the meeting. Sandra Tucker seconded this motion. The meeting adjourned at 3:33pm.



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TO: Agricultural Reconciliation Committee

THROUGH: Katie Stevens, Director, Office of Agriculture

FROM: Beth Ahalt, Agricultural Preservation Program Specialist II

DATE: November 5, 2025

SUBJECT: Complaint of Maria Late—ARC-001-2025

ISSUE

Is the use of a propane cannon as a deer deterrent at Chestnut Hill Farm conducted in a manner consistent with generally accepted agricultural management practices?

BACKGROUND

The Frederick County Right-to-Farm Ordinance (Ordinance 96-23-175; codified at FC Code §1-6-61 et seq) provides that the Agricultural Reconciliation Committee (ARC) “shall arbitrate and mediate disputes involving agricultural operations conducted on agricultural lands and issue opinions on whether such agricultural operations are conducted in a manner consistent with generally accepted agricultural management practices.” The Rules of Procedure adopted by ARC and ratified by the County Executive delegates to the Director of the Office of Agriculture the authority to mediate the dispute and, if mediation is unsuccessful, requires Staff to provide a report to the ARC to include its professional opinion on whether the complained of practice is conducted in a manner consistent with generally accepted agricultural management practices. Upon receipt of the Staff Report, ARC shall either adopt the findings of the Staff, set the matter for informal hearing, or issue an Order otherwise resolving the dispute.

Agricultural Operation: Chestnut Hill Farm is a produce and finishing hog operation located on Stottlemeyer Road near Sabillasville, Maryland. The property is located in an area zoned for agricultural use. The farm is operated by Denny Willard¹ and other members of the Willard and Donnelly families. The farm transitioned to a produce operation around 2020. The farm produces fruits, vegetables, and meats that are sold at an on-farm market and local farmers' markets. Since beginning produce farming, the Willard family has added other crops to its production. In the spring of 2025, the Willard's planted approximately 860 young fruit trees. After planting the

¹ Coincidentally, Denny Willard is a member of the ARC. He has recused himself from the consideration of this Complaint.

trees, there has been a problem with deer eating the leaves or rubbing their antlers on the trees causing damage. To try to deter the deer from eating the young trees, the Willards decided to utilize a propane cannon system to scare the deer from the orchard. A propane cannon system operates by igniting a small amount of propane gas to create a loud, sudden sonic blast at random intervals to frighten animals like deer and birds.

Summary of Complaint: The Office of Agriculture received a complaint from Ms. Maria Late (“Complainant”) on August 23, 2025. The complaint states, “On or about the second week of June, 2025, Dennis Willard, the owner of the Farm, deploying what I believe are propane bombs every 15-30 minutes, 24 hours a day, 7 days a week, to deter deer from eating his crops.” The complaint also details efforts to resolve the issue by contacting Mr. Willard and various government and law enforcement agencies prior to bringing this complaint to the Office of Agriculture. Staff sent a letter to both the Complainant and Mr. Willard outlining the complaint resolution process. The Complainant told staff she was willing engage in mediation; however, Mr. Willard indicated he was not interested in mediation.

Research and Investigation: Staff from the Office of Agriculture went to Chestnut Hill Farm on November 3, 2025, to investigate the farming operation. Staff met with Mr. Willard onsite and asked questions about the produce operation and the propane cannon. Mr. Willard explained this is the first year his operation has used a propane cannon to deter wildlife, mainly deer, from their crops. The propane cannon was closer to their strawberry patch in the spring when strawberries were in season. Mr. Willard told staff that approximately 860 trees were planted this year. Close to 100 trees have been damaged by the deer thus far. The Willards have tried using dryer sheets to cover the trunks of the trees to deter the deer, but that was not effective. During June and July, there were leaves on the trees that the deer wanted to eat, so the propane cannon was moved closer to the orchard. For approximately 6 weeks the propane cannon was running 24 hours a day in the months of June and July. In August, the propane cannon was still in operation, but the amount of time that the propane cannon was used varied. Mr. Willard told staff that there are different frequencies for how much or how little the propane cannon ignites. There was a brief period that the propane cannon did not operate in the month of September.

As of November 3rd, when staff met with Mr. Willard, the cannon was being used at night to deter the deer. In the fall months, antlered deer rub the tree trunks causing damage to the trees. The landowner stated that the overall use of the cannon was effective, and without the use of the cannon the trees would have suffered more damage. The device used at the farm is a Zon Mark IV propane cannon, and the landowner stated the propane cannon is operated in accordance with the instructions of the owner’s manual.

Staff asked if his operation had experienced other wildlife damaging his crops and he stated that deer were the biggest problem. He also stated that he has gotten a quote from a fencing company for a deer fence, but it was an estimated cost of \$96,000 to install, which is too costly for the farming operation. Mr. Willard told staff that he was planning to stop using the propane cannon in the coming weeks.

Information provided by the Complainant and other residents in the area indicate that the propane cannon explosions are generally heard in the evening and throughout the night, sometimes at

intervals of between 5 and 10 minutes. Security camera footage of a nearby resident was also provided and clearly indicated audible noise likely emanating from the cannons. Staff have no reason to doubt the information provided by Complainant and others that the propane cannons frequently interfere with the quiet enjoyment of their properties, and these allegations are accepted as fact.

ANALYSIS

The Frederick County Code at §1-6-63(A) reads as follows, with emphasis added:

A private action may not be sustained with respect to an agricultural operation conducted on agricultural land on the grounds that the agricultural operation interferes or has interfered with the use or enjoyment of property, whether public or private, if the agricultural operation was, at the time the interference is alleged to arise, *conducted substantially in accordance with generally accepted agricultural management practices*.

The Code at §1-6-62 further defines “generally accepted agricultural management practices” as follows, with emphasis added:

Those methods used in connection with agricultural operations which do not violate applicable federal, state or local laws or public health, safety and welfare and which are agricultural practices in the agriculture industry. GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES include practices which are recognized as generally accepted management practices and those methods which are authorized by various governmental agencies, bureaus, and departments, *such as the University of Maryland Extension, the Frederick County Soil Conservation District, the Natural Resource Conservation Service, and the like*. If no generally accepted agricultural management practice exists or there is no method authorized by those agencies mentioned herein which governs a practice, *the practice is presumed to be a generally accepted agricultural management practice*.

A review of the literature suggests the use of propane cannons is considered a generally accepted agricultural management practice. See Jonathan Kays, “Managing Deer Damage in Maryland”, Bulletin 354 of the University of Maryland Cooperative Extension, found at https://extension.umd.edu/sites/extension.umd.edu/files/publications/EB354_ManagingDeerDamage.pdf See also Craven, Hygnstrom and Peterson, “Controlling Deer Damage in Wisconsin”, Publication No. G3083, University of Wisconsin—Extension, Madison, found at <https://cdn.shopify.com/s/files/1/0145/8808/4272/files/G3083.pdf>.

Additionally, the issue of the use of such devices for agricultural purposes was analyzed by the Office of the Attorney General of Maryland (OAG) in response to a request for opinion by the Board of County Commissioners for Calvert County (BOCC). The BOCC had requested the opinion of the OAG as to whether a farmer’s use of a deer cannon is exempt from Maryland’s statewide noise regulation as “agricultural field machinery.” See 108 Op. Att’y 64 found at <https://oag.maryland.gov/resources-info/Documents/pdfs/Opinions/2023/108OAG64.pdf>.

While this opinion addressed whether such devices are exempt from State noise ordinances

(COMAR 26.02.03.02), the analysis further suggests that the use of such devices is considered a generally accepted agricultural management practice. In short, the OAG opined that “the device, when used for its intended purpose to frighten wildlife away from crops, falls within the exemption for agricultural field machinery. Neither the regulation nor its authorizing statute, however, prohibits a local government that is otherwise authorized to regulate noise from enacting its own, stricter noise control ordinance or regulation restricting the use of propane cannons.” Notably, Frederick County Code §1-11-6(F)(4) provides an exemption identical to the State for “agricultural field machinery when used and maintained in accordance with manufacturer's specifications.”

RECOMMENDATION

Staff has made the determination that the propane cannon's use is consistent with generally accepted agricultural practices. Staff recommends the ARC issue an Order adopting the Staff Report and finding that Chestnut Hill Farm has used their propane cannon in a manner consistent with generally accepted agricultural management practices in an effort to avoid damage to its crops.