



FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

Agricultural Preservation Advisory Board

Minutes of Monday November 22, 2021

WebEx Meeting

Members Present: Samuel Tressler, III, Chair; Dick Bittner, Vice Chair; Andrew Toms (joined at 7:12pm, and left at 7:37 pm) and Paul Spurrier
The meeting was called to order by Chair Tressler at 7:07 p.m.

Staff Present: Anne Bradley, Program Administrator; Shannon O'Neil, Planner II; Beth Ahalt, Planner I

I. Minutes

A. Minutes from October 5, 2021

Staff presented minutes from 10/5/2021 for review and approval.

Chair Tressler made a motion to approve the minutes of October 5, 2021. The minutes were approved by consensus.

II. Consensus Approvals

A. Kelly Stream Overlay Easement

Shannon O'Neil briefly spoke about the Kelly Stream Overlay Easement project that was sent to the Ag Board to vote on via email on November 3, 2021. The board voted via email to approve the change to add a 35-foot buffer on all sides of the stream that is a standard requirement by NRCS. The new easement areas are 2.95ac of permanent easement and 1.26ac of temporary easement – an increase of 1.55ac of permanent easement and a decrease of .89ac of temporary easement.

The Board agreed that this change to the proposed easement was okay to proceed.

III. IPP

A. FY 22 Applications Review:

Beth Ahalt presented the 29 IPP Applications for FY 2022. Staff Recommended to have applications 22-01 through 22-24 continue to a public hearing. There was a significant break in points between applications 22-24 and 22-25, which is why a cut of applicants was suggested.



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Vice Chair Bittner made the motion to adopt the staff recommendation approve IPP Applications 22-01 through 22-24 to continue to a public hearing.

Mr. Spurrier seconded the motion.

Vote: Yea 4 Nay 0 Not Present 1

B. Cavell Request:

Anne Bradley presented a request from Bo and Dawn Cavell, contract purchasers of the Boutelle family farm to build a new primary dwelling for themselves and designate one of the pre-existing dwellings a tenant house. The Cavell's also wanted to request a parcel boundary configuration to make the parcels more even. Staff recommended approval.

Vice Chair Bittner made the motion to approve the staff recommendation to allow parcel reconfiguration and a primary dwelling on a 50-acre parcel in the easement.

Mr. Spurrier seconded the motion.

Vote: Yea 4 Nay 0 Not Present 1

C. Moser Relocation:

Shannon O'Neil presented a request from Pam and Danny Moser who own and operate Walnut Ridge Farm and Moo Cow Creamery. The Moser's are requesting to replace and re-locate the pre-existing dwelling on the farm. Staff recommended approval.

Vice Chair Bittner made the motion to approve the staff recommendation to allow the replacement and re-location of the dwelling. Mr. Spurrier seconded the motion.

Vote: Yea 3 Nay 0 Abstain 1 Not Present 1

D. Martin Child's Lot Request:

Shannon O'Neil presented a request from Ray and Edna Martin for a 2-acre maximum Child's lot for their son, Eric Martin on their 100 acre IPP easement. Staff recommended approval.



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Vice Chair Bittner made the motion to approve the staff recommendation for a child's lot on the Martin IPP easement. Mr. Spurrier seconded the motion.

Vote: Yea 4 Nay 0 Not Present 1

IV. MALPF:

A: Libertas Estates Tasting Room Request:

Beth Ahalt presented a request from Libertas Estates, LLC to have a wine tasting room on their 127 acre MALPF easement. Staff recommended approval.

Vice Chair Bittner made the motion to approve the staff recommendation to for a wine tasting room, patio and parking area on the Libertas Estates, LLC property. Mr. Spurrier seconded the motion.

Vote: Yea 3 Nay 0 Not Present 2

B. FY 2021 MALPF Certification Report:

Anne Bradley presented the FY 2021 MALPF Certification Report. Staff recommended approval.

Vice Chair Bittner made the motion to adopt the staff recommendation to approve the MALPF certification report. Mr. Spurrier seconded the motion.

Vote: Yea 3 Nay 0 Not Present 2

V. Program Status Reports

A. MALPF- No update.

B. IPP-No update.

C. MARBIDCO Next Generation-No update.

D. MARBDICO SANG- No update.

E. Critical Farms-Anne Bradley reported that we sent out a request for bids for appraisers for the Critical Farms cycle, and will discuss in closed session.

F. Rural Legacy- Anne Bradley reported that we have multiple people interested in this program, and we have grant money to spend to make farmers offers in



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this program, and are working with our finance department to see how many offers we can make.

- G. Inspections Update: Beth Ahalt reported that we have visited 29 farms for inspections since our last meeting in October. We are finished with 2020 and 2021 IPP inspections, and all of the FY 22 inspections for Rural Legacy.
- H. Inspection Violation Updates: Beth Ahalt reported that we have six potential easement violations. Three of the potential violations involve the use of a recreational vehicle as a dwelling and the three other involve a commercial use that appears to not be allowed under Ag Preservation. Staff reported that we are working with our County Attorney and the Zoning staff to rectify these violations.

Vice Chair Dick Bittner moved that the meeting be moved into Closed Session and Paul Spurrier seconded the motion.

Chair Tressler adjourned the meeting at 8:01 pm.