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**HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD
AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD**

**Batch 14 Public Hearing Minutes
September 21, 2009**

Attendance:

Board Members: Sean Hough, Chairman
John Komsa, Vice Chairman
Ricky Bauer
James Eacker
Howie Feaga
Shirley Matlock
Lynn Moore

Public: Ian Carroll
Marshall Rea

Staff: Joy Levy, Administrator, Agricultural Land Preservation Program
Lisa O'Brien, Senior Assistant County Attorney, Office of Law
Mary Smith, Secretary, Agricultural Land Preservation Program

Action Items

1) **Minutes from August 17, 2009 Meeting** – Chairman Hough called the meeting to order at 7:30 p.m., and then asked for additions or corrections to the minutes of the August 17, 2009, meeting. There being none, Mr. Eacker motioned to accept the minutes as mailed. Ms. Matlock seconded the motion. The motion carried unanimously.

Chairman Hough opened the Batch 14 public hearing at 7:36 p.m.

1) **Camilla Carroll and Philip Carroll** - Ms. Levy stated that this property, referred to as Doughoregan Manor, is located on the south side of Frederick Road, east of Folly Quarter Road. It consists of 892 acres, and is owned by Camilla Carroll and Philip Carroll. Ms. Levy stated that Doughoregan has been in the Carroll family for nine generations. The applicants have proposed to place 500 acres of cropland and forest into the ALPP. None of the dwellings that are currently on the Doughoregan property are part of the acreage being placed in preservation. Ms. Levy called the Board's attention to the aerial map which shows the proposed boundary of the easement.

Ms. Levy stated that she visited the property, along with Chairman Hough, Vice Chairman Komsa and Brandy King of the Natural Resources Conservation Service (NRCS), on August 19, 2009. They spoke with Camilla Carroll and walked a portion of the property. According to Ms. Carroll, Kenny Warfield has been farming the ground for many years, and large portions of it are planted in corn and soybeans.

Ms. Levy stated that according to Ms. King, the Soil Conservation and Water Quality Plan for this property is not current and will be updated sometime this fall.

Ms. Levy stated that the application meets all eligibility criteria for acquisition. In addition, the property is an important acquisition for the ALPP due to its large size, strategic location and historical significance. She recommended that the ALPB take those factors into consideration when awarding their optional points.

Referring to the sign-in sheet, Chairman Hough requested Ian Carroll to step forward and then swore him in. Mr. Carroll stated that he owns an adjacent farm to the applicant property, which has been in preservation since 1996. He thanked the Board for their continuing consideration towards the Carroll family parcels. He stated that the ALPP is a good program and has proven effective in slowing down development within Howard County.

2) **Kathleen Gilliece** - Ms. Levy stated that this property is located on the west side of Howard Lodge Drive, east of Route 32, and is 100 acres. She indicated that she visited the farm, along with ALPB members Ricky Bauer and Shirley Matlock and Brandy King of the NRCS, on August 26, 2009. They spoke with Ms. Gilliece and walked a portion of the property. According to Ms. Gilliece, Jamie Brown farms the property, and it is planted in hay.

Ms. Levy stated that Ms. King noted that there is no Soil Conservation and Water Quality Plan in place, but that the Soil Conservation District will be working with the property owner this fall to create one.

Ms. Levy indicated that there are two access points to the property, one of which is at the end of Howard Lodge Road, a long and narrow private road. The other is at the end of High Stepper Trail, which is a public road that services a residential development. The private road is too narrow for farm equipment, and according to Ms. Gilliece, Mr. Brown uses the public road through the subdivision to access her property. During the site visit, Mr. Bauer expressed his concern regarding potential access issues. Ms. Levy confirmed that there are no restrictions on who can use a public road, so even though there is not a convenient way to directly access the property, there is nothing to impede access for farming.

Ms. Levy called the Board's attention to the revised first page of the score sheet that she handed out prior to the meeting. She explained that she rescored the adjacency criteria due to an error on the property boundary that has since been corrected. She noted that the correction did not affect the overall score.

Ms. Levy stated that this property meets all eligibility criteria for acquisition of an agricultural preservation easement. She indicated that it is desirable due to its large size; however it is isolated from other farmland and is mostly surrounded by residential development, with the exception of Patapsco State Park along its northern boundary. It is also located in the RR (Rural Residential) zoning district, which is not the priority for preservation. She recommended that the ALPB take those factors into consideration when awarding their optional points.

3) **Marshall Rea** - Ms. Levy stated that this property is located on the east side of Sheppards Lane, west of the University of Maryland Central Farm property, and is 160 acres. Ms. Levy summarized the property as having been owned by Mr. Rea since 2005, when he inherited it from his late mother. His parents acquired the farm in 1970 from his grandparents. The main house is over 100 years old and there are a number of other original structures, including a spring house, log cabin and a carriage barn. Mr. Rea has installed solar panels on the greenhouse that is attached to his home, which provide domestic hot water. He plans to install additional panels on one of the barns to provide for the farm's electric needs.

Ms. Levy stated that she visited the farm, along with ALPB members Howie Feaga and Ricky Bauer and Brandy King of the NRCS, on August 19, 2009. Mr. Rea provided them with a driving tour of the entire property, which has been farmed by the Mullinix brothers for many years, and had recently been planted in wheat. At the time of their visit, the fields were fallow, but Mr. Rea stated that barley was soon to be planted.

Ms. Levy stated that Ms. King indicated that Soil Conservation and Water Quality Plan for this property needed updating.

Ms. Levy stated that the property meets all eligibility criteria for acquisition of an agricultural preservation easement. She added that even though the farm is somewhat isolated from other protected land and is bordered mostly by residential development, it is very large and is predominantly in agricultural use. There is a good deal of preserved land in the vicinity. She recommended that the ALPB take those factors into consideration when awarding their optional points.

Referring to the sign-in sheet, Chairman Hough requested Marshall Rea to step forward and then swore him in. Mr. Rea thanked the Board for their consideration, and stated that there are two issues he wanted to raise about how the farm was scored. The first concerned the Soil Conservation and Water Quality plan. Mr. Rea stated that when he received his first draft score sheet in February, he had received 75 points for having an up-to-date plan, but his more current, revised score sheet dropped this criteria down to 50 points, stating that the plan needed to be updated. He questioned why this happened, and provided a history of his work with the Soil Conservation District (SCD) to revise and implement his plan. He stated that the last time his plan was revised was in 2007.

Mr. Rea indicated that he contacted SCD in May of this year, and they visited the farm on June 9. During that visit, they discussed potential revisions to the plan based on changes that had occurred since the 2007 update. In particular, there were additional fields that were not reported in the previous plan, and a best management practice (BMP) that Mr. Rea decided he was not going to install because it called for the removal of several mature trees. The BMP was in the 2007 plan to address a problem of road runoff affecting the cropland. Mr. Rea stated that the Mullinix brothers, who have been farming the property for many years, made some improvements to manage road runoff that did not involve the removal of the trees.

Mr. Rea stated that he gave SCD staff a list of potential plan revisions on June 9, thinking it would help to expedite the process. He expressed his concern that he is losing points when he has made an effort to maintain the plan. He also stated that he is not only losing 25 points due to the plan not yet being revised, but the additional 25 points he would be eligible for if he could get his plan fully implemented.

Mr. Rea requested that the Board consider returning the 25 points that were assigned to him originally, based on his assertion that nothing has changed on the property since then. Mr. Rea stated that he feels he is being penalized because SCD's workload has prevented his update from occurring.

The second issue Mr. Rea brought before the Board was his proximity to the Doughoregan Manor property and how that affects his score. Mr. Rea stated that he would like the Board to consider counting the Manor acreage that is within a mile of his property as protected if the Manor goes under easement first. He stated that the addition of less than 30 more protected acres would increase his score 25 points.

Chairman Hough asked the Board members if they had any questions of Mr. Rea.

Mr. Feaga asked Mr. Rea several questions regarding the farming practices used on his property, specifically whether the grain is being no-tilled. Mr. Rea responded that it is currently being disked. Mr. Feaga asked whether his conservation plan included disking. Mr. Rea replied that he doesn't have the revised plan yet, so he can't answer the question.

Mr. Feaga asked Mr. Rea several questions regarding his farm's location relative to Doughoregan Manor, and indicated his concern from a policy standpoint of counting properties within the same Batch toward adjacency scores.

Ms. Moore asked Mr. Rea details about the timing of his conservation plan revisions, focusing on the BMP for dealing with the road runoff.

Mr. Rea stated that his plan was not fully implemented in 2007, though he has had an approved plan since the 1990's. He stated that in 2007 he had a major gully on one of the crop fields, along Sheppards Lane, and it was getting worse. Mr. Rea asked SCD for their assistance with the runoff. Their suggested BMP was restoring old diversion dikes, which would have entailed removing a considerable number of mature trees. Mr. Rea stated that

he told SCD he was not willing to remove the trees. Mr. Rea indicated that part of the current revision to his conservation plan would be to eliminate the BMP because he feels that he has addressed the erosion problem by putting in a gravel berm.

Ms. Moore asked him to explain what he built and how it works.

Mr. Rea stated that about two years ago they put down a large load of gravel with a big filter cloth, and that was done with SCD's understanding. It has been working to keep the water from Sheppards Lane off of the adjacent field.

Ms. Moore asked when the conversation with SCD took place.

Mr. Rea stated that they met out in the affected field in 2007 and talked about how to fix the problem. The berm was part of the proposed solution, along with the diversion dikes. When SCD came out in June of this year, Mr. Rea said that the dike had not been installed and he wasn't going to install it. Eliminating that BMP from the plan requires a revision to it, which he is still waiting for.

Mr. Bauer asked if he has a nutrient management plan.

Mr. Rea indicated that he confirmed with Mike Mullinix that there is a nutrient management plan.

Mr. Bauer asked Mr. Rea to confirm whether there was at one time a grass waterway in the front field by Sheppard Lane.

Mr. Rea said that there were critical areas by Sheppard Lane, and that the only engineered grass waterway is the one near the driveway, close to the barn, which was created in 1994.

4) **Wilbur and Lillie Mae Zepp** – Ms. Levy stated that the Zepp property is owned by the Wilbur and Lillie May Zepp Living Trust. The property is located on the north side of Old Frederick Road east of Rt. 32. Ms. Levy stated that the applicant property is actually two parcels that will need to be merged. One parcel is 33.6 acres and will be merged with 48.9 acres of an adjacent parcel. Once the merge is complete, the 82-acre parcel will be unimproved. The Wilbur and Lillie Mae Zepp Living Trust will continue to own the property after the reconfiguration.

Ms. Levy reported that she visited the farm with ALPB member Ricky Bauer and Brandy King of the NRCS on August 26, 2009. They spoke with Dave Zepp, son of the trustees, and walked a portion of the property. According to Mr. Zepp, he farms the ground and it is planted in no-till soybeans.

Ms. Levy stated that Ms. King commented that she did not see any erosion problems, but that the Soil Conservation and Water Quality Plan for this property need to be updated.

Ms. Levy called the Board's attention to the revision on the first page of the score sheet that she handed out prior to the meeting, noting that there is now an actual percentage for the "current land use" criteria, where before there was just an "x" to indicate the 75 point range.

Ms. Levy stated that the application meets all eligibility criteria for acquisition of an agricultural preservation easement. She indicated that even though the property is in the Rural Residential (RR) zoning district, and therefore of lesser priority for easement acquisition, it is large, level and with good road access. This makes it valuable for development as well as for farming. She recommended that the ALPB take those factors into consideration when awarding their optional points.

Chairman Hough called for questions. There being none, the hearing was closed at 8:05 p.m.

Ms. Levy announced the remaining hearings would be held at the Howard County Fairgrounds beginning at 7:30 p.m. The October 5th meeting would be held in the Dining Hall, and the October 19th would be held in the Fair Office building. She stated that the Board will meet on November 2 at 3 p.m. to award their discretionary 50 points, complete the scoring and rank the Batch 14 applicants. She noted that this meeting may be a closed meeting since they will be discussing the acquisition of real property. The meeting will take place in the Fair Office building.

Chairman Hough called for adjournment. Mr. Feaga motioned for adjournment. Mr. Bauer seconded the motion. The meeting was adjourned at 8:15 p.m.

Joy Levy, Executive Secretary
Agricultural Land Preservation Board