

Agricultural Preservation Advisory Board Meeting Minutes

February 11, 2016

Members Present: Miller, Bob (Chair); Anderson, Norm; Ewing, Willie; Hastings, Shelley;

Others Present: O'Connor, Steve - Cecil County Office of Planning and Zoning

Call to Order

Chairman Miller called to meeting to order at 7:07 PM. Mr. O'Connor noted that local farmer Wes Miller was named Young Farmer of the Year by the Maryland Farm Bureau as a positive item for County agriculture. Mr. O'Connor informed the board that the final TDR report from MDP will be coming out in coming days. Discussion moved into the status of the Tier Maps which Mr. O'Connor informed the board that there has been no change. Ms. Hastings asked if there was any penalty for waiting on the updated Tier Maps which Mr. O'Connor stated nothing more than what has occurred.

Meeting Minutes

Mr. O'Connor stated that he clarified the wording on the other funding source discussion in November meeting minutes per the board's request. A motion was made by Hastings and seconded by Ewing to approve the meeting minutes from November 12, 2015. The motion was unanimously approved.

A motion was made by Hastings and seconded by Ewing to approved the Closed Session meeting minutes from November 12, 2015. The motion was unanimously approved.

A motion was made by Hastings and seconded by Anderson to approve the meeting minutes from the December 2015 meeting.

Committee Report

Mr. O'Connor updated the board on the work the Matching Funds committee is completing. Specifically, a presentation will be made at Ag-Day at the Cecil County Fair. There has been some contact with the Business Librarian from the County's Public Library which has presented a smorgasbord of resources to non-profits to get grants and local businesses. Mr. Anderson has begun working on a presentation for potential matching organizations.

Request for overlay easement for access purposes - 07-94-02Ae - Estate of Tucker Mackie

Mr. O'Connor presented an application by the heirs of Richard "Tucker" Mackie to create an access easement up to 30 feet wide. The reason for the request is to give themselves access over this property to access another farm that they own. Mr. O'Connor informed the board that they are looking at this request again¹ because the applicants withdrew their application after the state board tabled the item.

¹ Original request in September 2015

The applicants have worked with the Maryland Department of Environment (MDE) regarding the stream crossing, and this request is only to have the ROW for agricultural equipment. In addition, a survey has been completed on the proposed ROW and a small portion of the ROW is on the easement owned by John, William & Pauline Mackie (commonly referred as the Mackie Bros.). This request now includes the consent of the Mackie Bros. The board discussed the differences in this request versus the request in September, and concluded that it wouldn't be different from what is already occurring, and with MDE's consent to cross the stream with just agricultural equipment is satisfactory. Mr. Anderson asked about the chances for subsequent owners upgrading the ROW request, and asked about if vehicular traffic started to occur without consent. Mr. O'Connor replied that the use for agricultural equipment only would be written into the easement document, and that any crossing violation the County would notify MDE and the US Army Corps of Engineers.

A motion was made by Anderson, seconded by Hastings to approve the request with the same conditions as the prior approval.

Cecil County Pre-Existing Tenant Dwelling Policy

Mr. O'Connor presented the board with a policy adopted by the County Executive regarding pre-existing tenant dwellings. Mr. O'Connor explained that this was done in response to the effects of the Tier Map law on MALPF Applications. The MALPF board adopted a policy in November 2015 that allows County's to adopt their own policies on how to designate pre-existing tenant dwellings for the purposes of MALPF applications. This designation would recognize the dwelling, but not deduct a development right for MALPF purposes.

Mr. O'Connor further explained that Cecil County's process will involve the applicant submitting an application to the Office of Planning & Zoning. Then the application would be reviewed by the Zoning Administrator to ensure that the dwelling is legally permitted per zoning regulations. Second the County's MALPF Administrator would review the application to verify if the dwelling would meet MALPF's tenant dwelling policy. Finally this board would issue final decision as they review the application to see if the tenant dwelling is necessary for farming operations.

He stated that if applicants wish to designate a tenant dwelling for this year's MALPF application cycle they must do so by April 21, 2016.

FY2017 MALPF Application Process

Mr. O'Connor presented the board with packages sent to various landowners interested in the MALPF program. Chairman Miller asked who the packets were mailed too, and he stated 50 different landowners that were districts, and people left their names at the public presentations. The board was pleased with the information sent out to the landowners.

Adjournment

A motion was made by Ewing, seconded by Hastings to adjournment the meeting. The meeting was adjourned at 8:04 PM by unanimous vote.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Stephen J. O'Connor". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen J. O'Connor, AICP

underline = amended by addition

~~striketrough~~ = amended by deletion