



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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**HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD  
AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD**

**Batch 14 Public Hearing Minutes  
October 5, 2009**

**Attendance:**

Board Members:

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

Public:

James Ferguson  
Edwin Reinhardt  
Harry Reinhardt

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 September 21, 2009 Meeting** – Chairman Hough called the meeting to order at 7:30 p.m. Ms. Levy noted that the September 21 minutes were handed out at the beginning of this meeting. Ms. Levy stated that the Board would vote on approving them at the beginning of the October 19 meeting.

**2) Request for Approval, Relocation of Previously Approved Child's Lot (Section 15.509(e)(3) of the pre-1993 Howard County Code); Harry and Christine Reinhardt property, HO-90-22-E; 57 acres (ALPB)** - Ms. Levy noted that this request is for the reconfiguration of the previously approved relocated child lot for Edwin Reinhardt. Ms. Levy stated that Mr. and Mrs. Reinhardt are the current owners of the property and the original grantors of the easement, which came into the ALPP in December of 1990. The Reinhardts received prior approval from the Board to create three children's lots, all of which were originally located along the western property boundary. The Reinhardts came back to the Board earlier this year to request a relocation of Edwin's lot due to the inability to perc the original location. Ms. Levy referred to the aerial map noting the original area that did not perc.

Ms. Levy then called the Board's attention to the relocated lot location adjacent to Penn Shop Road, indicating that when approved, the relocated lot was regularly shaped. Ms. Levy pointed out that the proposed reconfiguration is to accommodate the well and septic, due to the inability to fit both in a standard shaped lot. Ms. Levy displayed the perc certification plat showing all of the failed attempts to find a suitable perc site. She stated that the new lot location was the only place on the farm where an approved perc could be located. The problem was then placing the well, since there wasn't a suitable area for it relative to the septic. Ms. Levy indicated that

the pipestem was needed to reach an appropriate well site, because the Health Department requires that the well be a part of the lot; it cannot be reached via an easement.

Ms. Levy stated that the maximum size for an ag preservation lot is one acre. However, changes were made to the Zoning Regulations allowing for up to a 20% increase in lot size if required by the Health Department. Ms. Levy noted that because of the limitations of the property, to get access to the well the size of the lot is shown as 1.2 acres.

Ms. Levy stated that the staff recommendation is to approve a reconfiguration of a previously approved relocation of a one-acre child lot, subject to the following conditions: filing of a Letter of Understanding to permit the release of the lot; preparation, execution, and recordation of an amended deed of easement reflecting the actual release of the lot; repayment of \$5,000 per acre for the lot release; obtaining of all appropriate county and state permits and approvals.

Mr. Komsa noted that there had been two other child lots approved and asked if there was another location for them.

Mr. Reinhardt said that although he qualified for three lots there aren't additional perc sites, so this will be the only lot released. Edwin Reinhardt stated that they are out of options other than what is currently before the Board.

Chairman Hough asked for questions from the Board. There being none, Mr. Komsa motioned to accept the staff recommendation. Mr. Feaga seconded the motion. The motion carried unanimously.

Chairman Hough opened the Batch 14 public hearing at 7:40 p.m.

**1) M&H Corporation** - Ms. Levy stated that James Ferguson is the sole shareholder of M&H Corporation, and that the property is located on the north side of Frederick Road, west of its intersection with Route 70. Ms. Levy stated that she visited the property, along with ALPB member Howie Feaga and Brandy King of the Natural Resources Conservation Service (NRCS) on August 27, 2009. They spoke with Mr. Ferguson, who provided a driving tour of the entire property boundary. Ms. Levy stated that Mr. Ferguson farms the pasture portion of the property, where he raises beef cattle and grows hay. The cropland is in corn and beans and is rented out. Ms. Levy stated that Ms. King did not see any erosion problems, but confirmed that the Soil Conservation and Water Quality Plan needs to be updated.

Ms. Levy referred to the staff report maps and pointed out that the property is comprised of three separate parcels, none of which are over 50 acres. Ms. Levy noted that the law that governs the ALPP requires that in order to be eligible to sell an easement, a parcel that is not adjacent to land already protected must be at least 50 acres. In order to meet that requirement, the three parcels (45 acres, 17 acres and 8 acres) must be merged into one. Mr. Ferguson will submit a waiver to the subdivision regulations to allow the merge to be accomplished via an adjointer deed transfer.

Ms. Levy stated that the application meets all eligibility criteria for acquisition of an agricultural preservation easement. She indicated that although the property is very oddly shaped and not immediately adjacent to any protected land, it is desirable because almost the entire farm is in active agricultural use, it has a very high percentage of Class I, II and III soils and there is so much land under easement within close proximity. She recommended that the ALPB take those factors into consideration when awarding their optional points.

Ms. Levy stated that once the three parcels are merged into one 70-acre parcel, this property would be entitled to one one-acre lot and one principal dwelling as a given right.

Referring to the sign-in sheet, Chairman Hough requested James Ferguson to step forward and then swore him in. Mr. Ferguson stated that the property was purchased by his brother in 1981, and he purchased it from his brother in 2000. Mr. Ferguson noted that it is a very desirable farm location except for traffic on Rt. 144. Mr. Ferguson stated that he owns 56 acres in agricultural preservation directly across Rt. 144, which is being leased by the Days End Farm Horse Rescue. Mr. Ferguson said he would like to see this parcel placed in preservation to keep it as open space rather than having it developed, and thanked the Board for their consideration.

Howie Feaga questioned whether the very minimal road frontage that the Days End property has on Rt. 144 counts as adjacency to protected land for the M&H property. Ms. Levy stated that it does but that was already factored into his score.

**2) Mario and Serafina Mannarelli** - Ms. Levy stated that this property is located on the north side of Old Frederick Road, east of Rt. 94. She indicated that it is currently made up of multiple parcels, one of 60 acres and the other is 47 acres. The scoring given to this property is predicated on the two parcels being merged into one 107-acre parcel. There will be one dwelling on the merged property, which is currently rented.

Ms. Levy stated that she visited the property, along with ALPB member Howie Feaga and Brandy King of the NRCS, on August 27, 2009. They spoke with Mr. Mannarelli and walked a portion of the property. According to Mr. Mannarelli, Chuck Gingrich farms the ground and it is planted in a corn, beans and wheat rotation. Mr. Mannarelli plans to plant grapes on a portion of the farm in the future. Ms. Levy indicated that Ms. King did not see any erosion problems, but that the Soil Conservation and Water Quality Plan for this property needs to be updated.

Ms. Levy stated that the application meets all eligibility criteria for acquisition of an agricultural preservation easement. She indicated that the Mannarelli property is large and contains a relatively high percentage of Class I, II and III soils. However, it is fairly isolated from other protected land. She recommended that the ALPB take those factors into consideration when awarding their optional points.

**3) Louis and Mary Pfefferkorn** – Ms. Levy stated this 54-acre property is located on the east side of Pfefferkorn Road, south of Frederick Road. Ms. Levy noted that there is one dwelling on the property, which is resided in by Charles Pfefferkorn, the owners' son. Ms. Levy stated that she visited the farm, along with ALPB member Ricky Bauer and Brandy King of the NRCS, on August 26, 2009. They spoke with the Pfefferkorns and drove and walked a portion of the property. According to Mr. Pfefferkorn, the Mullinix brothers farm the ground and it is planted in corn. Ms. Levy stated that Ms. King did not see any erosion problems, but confirmed that the Soil Conservation and Water Quality Plan for this property needs to be updated.

Ms. Levy stated that the application meets all eligibility criteria for acquisition of an agricultural preservation easement. The most desirable feature of this property is its proximity to over 1,600 acres of land already preserved. The acquisition of this parcel, along with Mr. Pfefferkorn's brother's parcel to the north, which is also a Batch 14 applicant, would create a large block of protected land. However, the property has a relatively low percentage of Class I, II and III soils and relatively small amount of land in active agricultural use. She recommended that the ALPB take those factors into consideration when awarding their optional points.

**4) Leona Stedding** – Ms. Levy stated that this 90-acre property owned by Leona Stedding is located on the west side of Route 32, north of Old Frederick Road. It is operated as a sod farm by her son, Bill.

Ms. Levy stated that she visited the farm, along with ALPB member Ricky Bauer and Brandy King of the NRCS, on August 26, 2009. Ms. Levy said that Mr. Stedding provided a driving tour of the property boundary, stating that with the exception of a few acres at the front of the property that is planted in beans and farmed by Bucky Clark, the rest is devoted to growing sod. Ms. Levy indicated that Ms. King did not see any erosion problems, but confirmed that the Soil Conservation and Water Quality Plan for this property needs to be updated.

Ms. Levy stated that this property meets all eligibility criteria for acquisition of an agricultural preservation easement, and that the farm is desirable due to its excellent soil capability and productivity, the high percentage of land that is in active agricultural use and the large amount of protected acreage nearby. 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 8:15.

### **Discussion**

Ms. Levy announced that the final Batch 14 public hearing would be held in the Fair Office building, beginning at 7:30 p.m. on October 19.

Chairman Hough called for adjournment. Mr. Eacker motioned for adjournment. Mr. Komsa seconded the motion. The meeting was adjourned at 8:25p.m.

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Joy Levy, Executive Secretary  
Agricultural Land Preservation Board