



Agricultural Preservation Advisory Board

Department of Planning, Housing, and Zoning

400 High Street, Suite 130

Chestertown, MD 21620

410-778-7423 (voice/relay)

**County Commissioners' Hearing Room
400 High Street
Chestertown, Maryland**

AGENDA

October 4, 2021

6:00 p.m.

Members of the public are now welcome to attend meetings in person, or virtually. You may listen to the meeting either online at <https://www.kentcounty.com/commissioners/meeting-live-video> OR via the audio-only phone number and conference identification number listed below. If listening to the meeting online, the way for members of the public to provide verbal comments during the meeting is via the audio-only phone number.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **157 570 76#**

Members of the public are asked to mute their phones/devices, until the Chair opens the floor for comment. Please note that if you are listening to the online livestream while waiting to call in to participate, there is an approximately 35-second delay. In order to avoid audio feedback issues, please mute the livestream before calling in.

B and K Family Farm, LLC – Ag Preservation District

Marilyn Price – Child's Lot for daughter, Vonnie Mills

Barbara Parker – Lot Release of Pre-existing Dwellings

General Discussion

Adjourn

Meetings are conducted in Open Session unless otherwise indicated. Meetings are subject to audio and video recordings. Other business without assigned times may be discussed during the course of this meeting as time allows.



Memorandum

To: Agricultural Preservation Advisory Board
From: Kent County Planning, Housing, & Zoning
Subject: October Agenda Items
Date: September 30, 2021

ALP 21-03: B and K Family Farm, LLC – 12411 Browntown Road

B and K Family Farm, LLC (Kevin and Amy Miller and Brad and Sarah Miller) has submitted an application to establish a district on their 202-acre farm located on Morgnec Road. The farm is adjacent over 480 acres of districts. The farm has over 96% qualifying soils. A staff report with maps is attached.

Marilyn Price – Child's Lot for daughter Vonnie Mills

Marilyn Price is requesting a child's lot for her daughter Vonnie Mills. The proposed 1-acre lot will be located adjacent to the Owner's Lot which was released in 2004. The proposed lot will have frontage along Old Locust Grove Road. The proposed lot consists of Class II soils. The proposed lot will not have a detrimental effect on the farming operation. The application and aerial map are attached.

Barbara Parker – Lot Releases for 2 Pre-Existing Dwellings

Barbara Parker is requesting to release two pre-existing dwellings from her 50-acre easement property. One proposed lot will be 2 acres and the other will be over 1 acre but less than 2 acres. The proposed 2-acre lot has the main dwelling and most of the farm outbuildings. Ms. Parker intends to continue living on this property. The second proposed lot has a smaller dwelling that is currently rented. The surveyor is preparing a revised plat to reduce the second lot to the minimum necessary to meet setbacks for the well and to keep several trees that act as a buffer between the dwelling and the rest of the farm. Maintaining a buffer can be an acceptable reason to allow a lot of more than 1 acre.

The remainder will be sold to George Harms and recombined with the remainder of the farm. This farm was agriculturally subdivided in 2002. The remainder does not have a dwelling and does not have the ability for any dwellings other than a tenant house. FYI, under MALPF regulations, tenant houses cannot be occupied by anyone who has an ownership interest in the farm. The application, draft subdivision plat, and aerial map are attached.

Thanks!

**PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT
STAFF REPORT SUMMARY**

FILE #: ALP- 21-03
LANDOWNER(S): B and K Family Farm LLC

LOCATION: 28260 Morgnec Road, Kennedyville, MD 21645
TAX MAP, PARCEL #: Map 29, Parcel 8

SIZE: 202 acres

RELATIONSHIP TO OTHER PRESERVED LAND This property is adjacent to over 480 acres of districts.

TOTAL LAND USE:	<u>CROPLAND</u>	<u>PASTURE</u>	<u>WOODLAND</u>	<u>WETLAND</u>	<u>OTHER</u>
ACRES	187	0	13	0	2

DWELLINGS: One existing dwelling

GENERAL FARMING OPERATION: Grain

PART OF LARGER OPERATION: Yes

OWNER OPERATED: Yes

TOTAL QUALIFYING SOILS:	<u>CLASS 1</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>CLASS IV</u>	<u>GROUP 2</u>	<u>= TOTAL</u>
ACRES:	0.00	138.2	52.5	0.00	4.0	194.7
PERCENT:	0.0	68.4	26.0	0.00	2.0	96.4

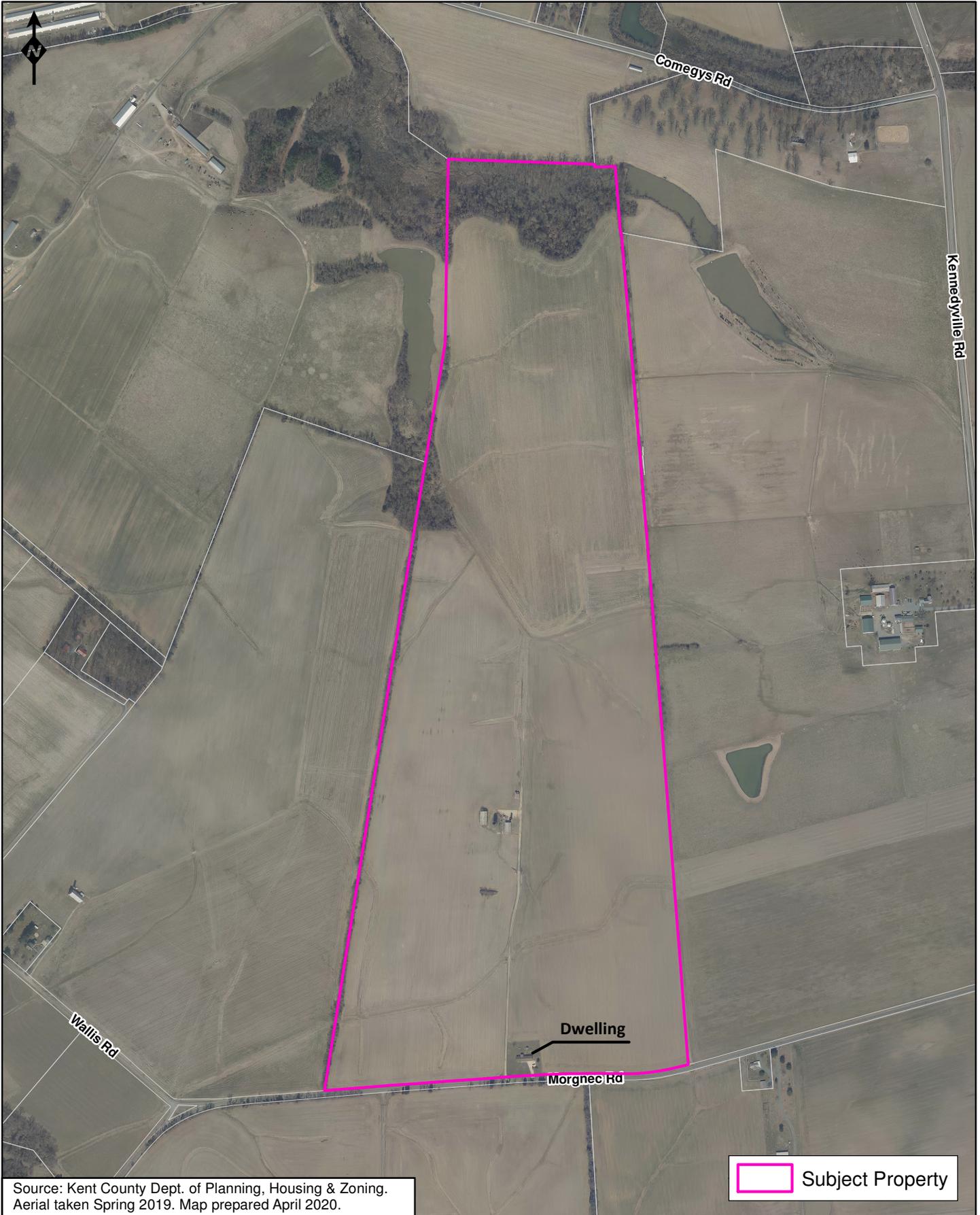
COUNTY ZONING/DENSITY: Agricultural Zoning District (AZD), base density 1:30

DEVELOPMENT PRESSURE: Moderate

ACREAGE WITHHELD:

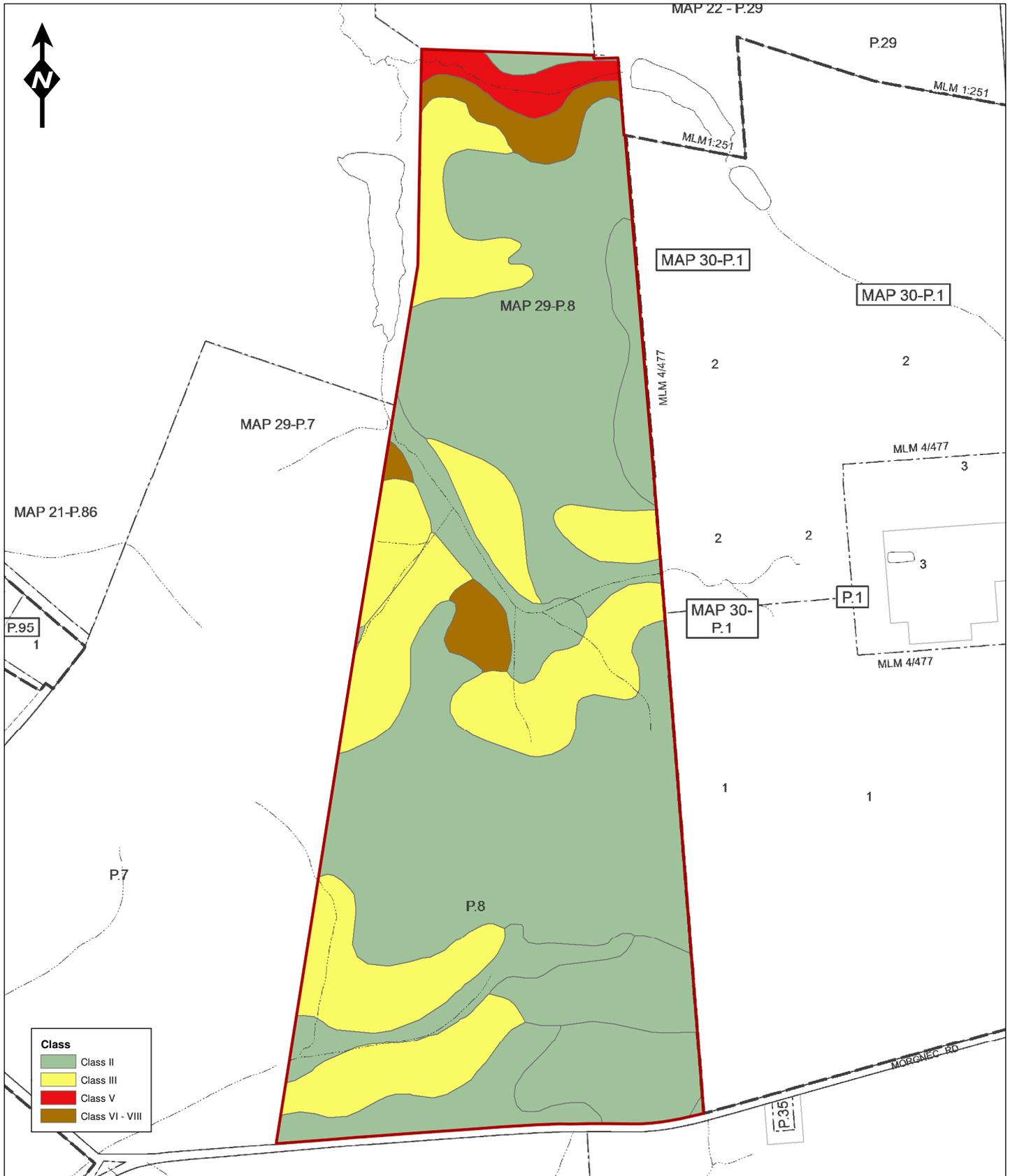
OTHER INFORMATION: Farm is located within the Priority Preservation Area. A Soil and Water Conservation Plan and Nutrient Management Plan are in effect.

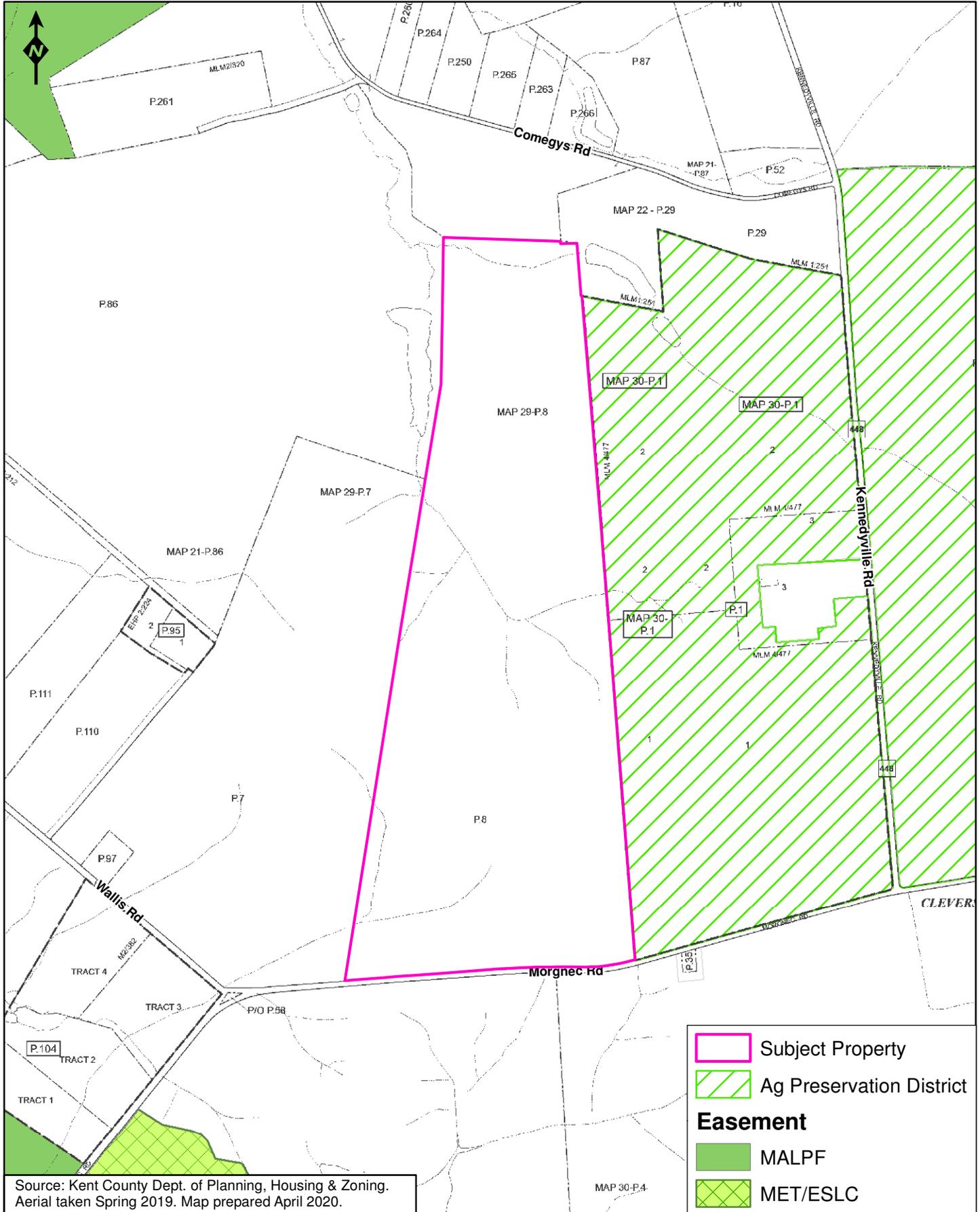
RECOMMENDATION: Staff recommends approval.



Source: Kent County Dept. of Planning, Housing & Zoning.
Aerial taken Spring 2019. Map prepared April 2020.

 Subject Property





Source: Kent County Dept. of Planning, Housing & Zoning.
Aerial taken Spring 2019. Map prepared April 2020.

Legend

- Subject Property
- Ag Preservation District
- Easement**
- MALPF
- MET/ESLC

State of Maryland
Department of Agriculture



The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5860 FAX 410-841-5730

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
APPLICATION FOR FAMILY LOT EXCLUSION

NAME: Marilyn Price + Vonnie Mills
 ADDRESS: 29238 Old Locust Groveland, Kennedyville Md 21645
 PHONE: 410 708-2123
 COUNTY: Kent
 FILE NO.: 14-02-f-704
 ACRES: 291.31
 STATUS OF PROPERTY: (Circle One) DISTRICT EASEMENT
 APPLICATION FOR: (Circle One) OWNER'S LOT CHILD'S LOT
 NAME OF CHILD (if child's lot): Vonnie Mills
 NAME OF OWNER (if owner's lot): _____

PLEASE ANSWER THE FOLLOWING QUESTIONS AS THEY RELATE TO THIS PROPERTY:

- 1) Has the Foundation approved any prior lot exclusions on this property? Yes No
 - a) If yes, please indicate the type and number of lots released: Owner's Lot Child's Lot
- 2) Have the previous lot exclusion(s) been recorded in the county land records? Yes No N/A
- 3) Have houses been fully constructed on the previously released lots? Yes No N/A
 - a) If not, when do you or your child plan to begin/complete construction? _____
 - b) If yes, do you or your children currently reside in the dwelling? Yes No N/A
- 4) Have any of the lots released from the District/Easement been sold? Yes No N/A
 - a) If yes, how long did owner/child reside in the dwelling after construction? _____
- 5) Does this property have any dwellings which existed prior to District Establishment? Yes No
 - a) How many? _____

Note: If the easement was approved by the Board of Public Works after September 30, 2003, existing dwellings may be excluded only by exercising a family or unrestricted lot right. Existing dwellings on properties with easements approved by the Board of Public Works prior to that date may be excluded without exercising family or unrestricted lot rights. If you are not certain when your easement was approved by the Board of Public Works, please contact your county program administrator.
- 6) Do you have any other District or Easement Properties in this program? Yes No
 - a) If yes, please list MALPF File #'s _____
 - b) Did the Foundation approve an owner's lot or child's lot(s) from any of your other district/easement properties? Yes No N/A
 - c) If you answered yes to 6.b, please list MALPF File #'s _____ Yes No N/A

Persuant to Agriculture Article 2-513(b) of the Annotated Code of Maryland, in signing this application, the landowner agrees with the items listed below:

- a) I/We understand that the lot requested is for the sole use of myself and/or my child for the construction of a dwelling intended for my/his/her personal use. I/We hereby acknowledge that if I am excluding a lot from an agricultural land preservation district, this will be the only owner's lot and/or child's lot exclusion granted for me or the above referenced child, regardless of whether my property remains in district status or if I

should sell an easement to the Foundation on this property in the future.

b) I/We understand that this right may not be transferred to any person or entity

Marilyn Y. Price 12/08/10
Landowner Signature/Date

George P. Mills
Landowner Signature/Date

The following information is required to initiate the request:

1. This Application for Family Lot Exclusion signed by all titled landowners;
2. A signed statement from the Program Administrator (PA), which includes the following:
 - a) A recommendation of approval or denial of the lot by the local agricultural land preservation advisory board;
 - b) A statement of whether the proposed lot is in concurrence with local zoning regulations including whether the lot exceeds the density allowed under local zoning;
 - c) An explanation of the anticipated impact on the agricultural operation;
 - d) An explanation of the choice of the proposed lot location* (Guidelines for Lot Locations on MALPF District and Easement properties are attached to this application form); and
 - e) An explanation of the access to the proposed lot (see Guidelines for Lot Locations on MALPF District and Easement properties).
3. An aerial map of the entire property (please provide 20 color copies). The aerial map should clearly indicate: a) the location of the lot; b) the access to the lot; c) the existing dwellings on the property; and d) lots approved by the Foundation but not constructed.
4. If the request is for a child's lot, include a copy of the child's birth certificate.
5. If a lot size of greater than one acre is required, indicate the reason and the regulation or ordinance.**

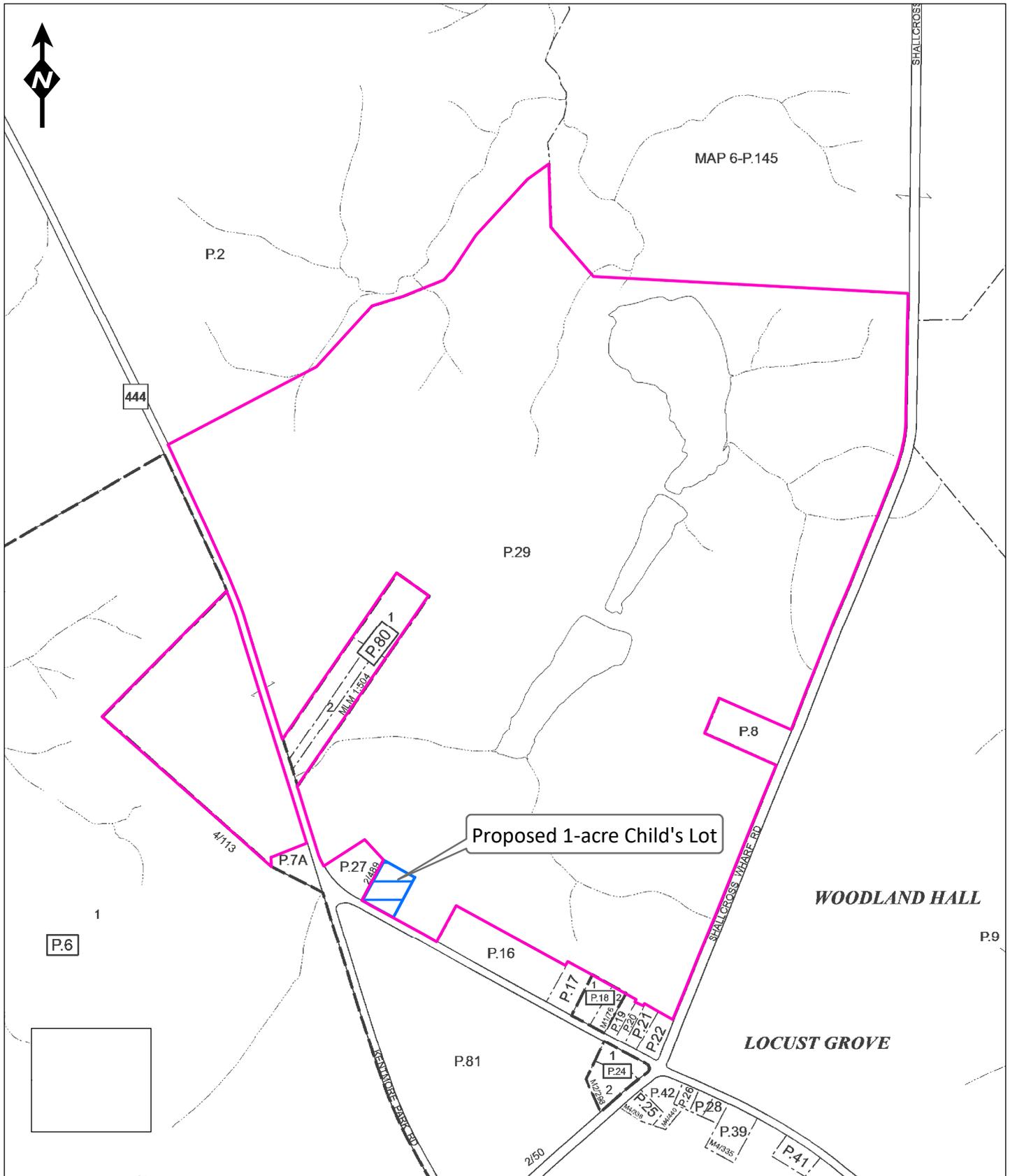
*It is strongly recommended that the landowner consider the long-term impact of the lot when choosing the location. While a landowner has the right to apply for an owner's lot and/or child's lot, subject to meeting minimum size and density requirements, the Foundation's Board of Trustees has the discretion to deny the lot if, in the Board's view, the lot location may have a detrimental effect on the future agricultural or forestry operation of the farm. See Guidelines for Lot Locations on MALPF District and Easement Properties (attached to this form).

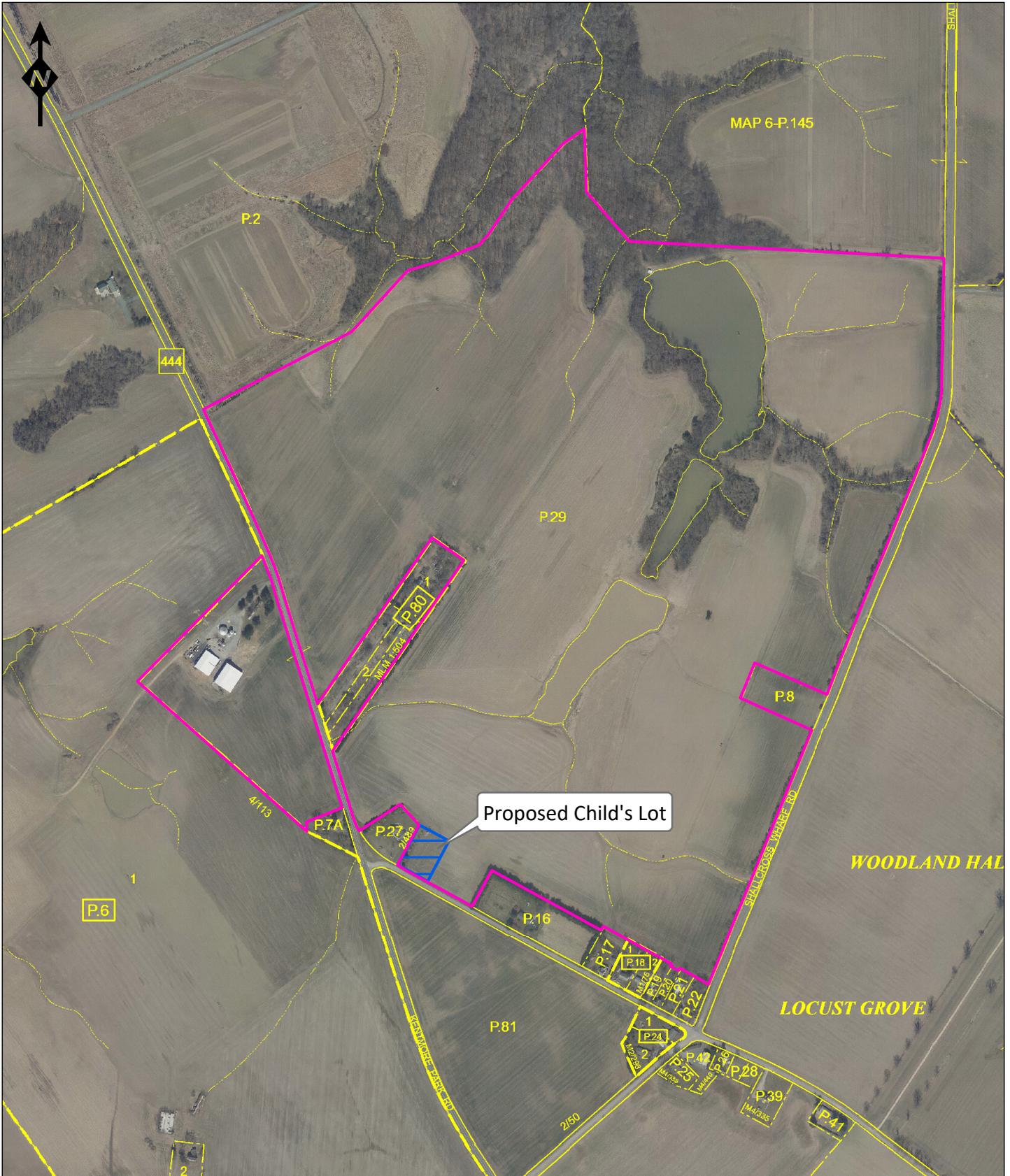
**For lot sizes greater than one acre: If a lot size of greater than one acre is required to satisfy local regulations, the PA's signed statement shall indicate the regulation or ordinance. If the additional acreage is required to satisfy Health Department (HD) regulations (examples of HD requirements for extra acreage include: a septic reserve area; less than 4 feet of unsaturated, unconsolidated soil material below the bottom of an on-site sewage disposal system; the proposed lot is located within 2,500 feet of the normal water level of an existing or proposed water supply reservoir, etc.), a statement from the HD indicating the minimum lot size required, and the reason for the additional acreage, shall be provided to the Foundation when requesting a preliminary release. While the Board may approve a lot size of up to two acres to meet HD requirements, additional acreage in excess of one acre will not be released until the Foundation receives the signed statement from the HD at the time of preliminary release.

Following the Foundation's Board meeting, the landowner will be notified in writing of approval or denial of the request. If the lot is approved by the Board, and the land is under easement, to begin the preliminary release process, the landowner should provide to the Foundation a metes and bounds description of the lot and the payback of the per acre amount which the landowner received for the easement. Once the preliminary release is signed and recorded, the landowner may begin the final release of the lot by providing to the Foundation a non-transferable building permit in the name of the person for whom the lot was released. If the lot was approved for a property in district status, the landowner is not required to go through the release process. Once the Foundation approves a lot on a district property, the landowner may proceed to construct a dwelling, subject to local regulations.

NOTE: THIS REQUEST WILL NOT BE PROCESSED BY THE FOUNDATION UNLESS THE INFORMATION REQUESTED IS COMPLETE AND NECESSARY ATTACHMENTS ARE SUBMITTED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

Revised 09/29/06





State of Maryland
Department of Agriculture



The Wayne A. Cawley, Jr., Building
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5860 FAX 410-841-5730

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

**APPLICATION TO EXCLUDE A LOT SURROUNDING A
DWELLING THAT EXISTED AT TIME OF DISTRICT ESTABLISHMENT
AND/OR EASEMENT SALE**

NAME: David A. and Barbara H. Parker - 50.1 acres with 2 dwellings

COUNTY: Kent

FILE NO.: 14-90-01

ACRES: 227.81 acres - 2 tracts - 50.1 ac and 177.81 ac after approved ag subdivision

STATUS OF PROPERTY : (Circle One) **DISTRICT** **EASEMENT**

PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING THIS PROPERTY:

How many dwellings existed at the time the District was established 2

Have any existing dwellings been excluded from District restrictions and approved by the Foundation? Yes **No**

If so, how many and when was formal approval obtained? 0

In signing this application, the landowner agrees with the items listed below, as designated in Section 2-513(b) (5):

- a) I/We understand that this request is for a 1.00 acre lot exclusion (or up to 2.00 acres under certain conditions) surrounding a dwelling that existed at the time of District Establishment and/or Easement sale.
- b) I/We understand that in order for the Foundation to review my request, I will be required to provide certain items, to include :
- A completed and signed application.
 - Letter of recommendation from the local agricultural land preservation advisory board.
 - Letter from the local county planning and zoning department indicating such exclusion is consistent with county zoning and subdivision regulations.
 - A Metes and bounds description (if easement property) or tax map noting the precise location of the existing dwelling you wish to exclude from District/Easement restrictions and noting the location of other dwellings and approved lot exclusions.
 - Any other information necessary for the review of my request.

For requests to exclude lots greater than 1.0 acre (not to exceed 2.0) documentation must be provided by the County Health Department and/or the local Planning and Zoning Office to support the following :

- Regulations adopted by the Department of Environment require a minimum lot size for a dwelling house of not less than 2.00 acres in areas where there is less than 4 feet of unsaturated and unconsolidated soil material below the bottom of an on-site sewage disposal system or in areas located within 2,500 feet of the normal water level of an existing or proposed water supply reservoir; or
- Regulations adopted by the jurisdiction in which the land is situated require that a lot for a dwelling house be larger than 1.00 acre.

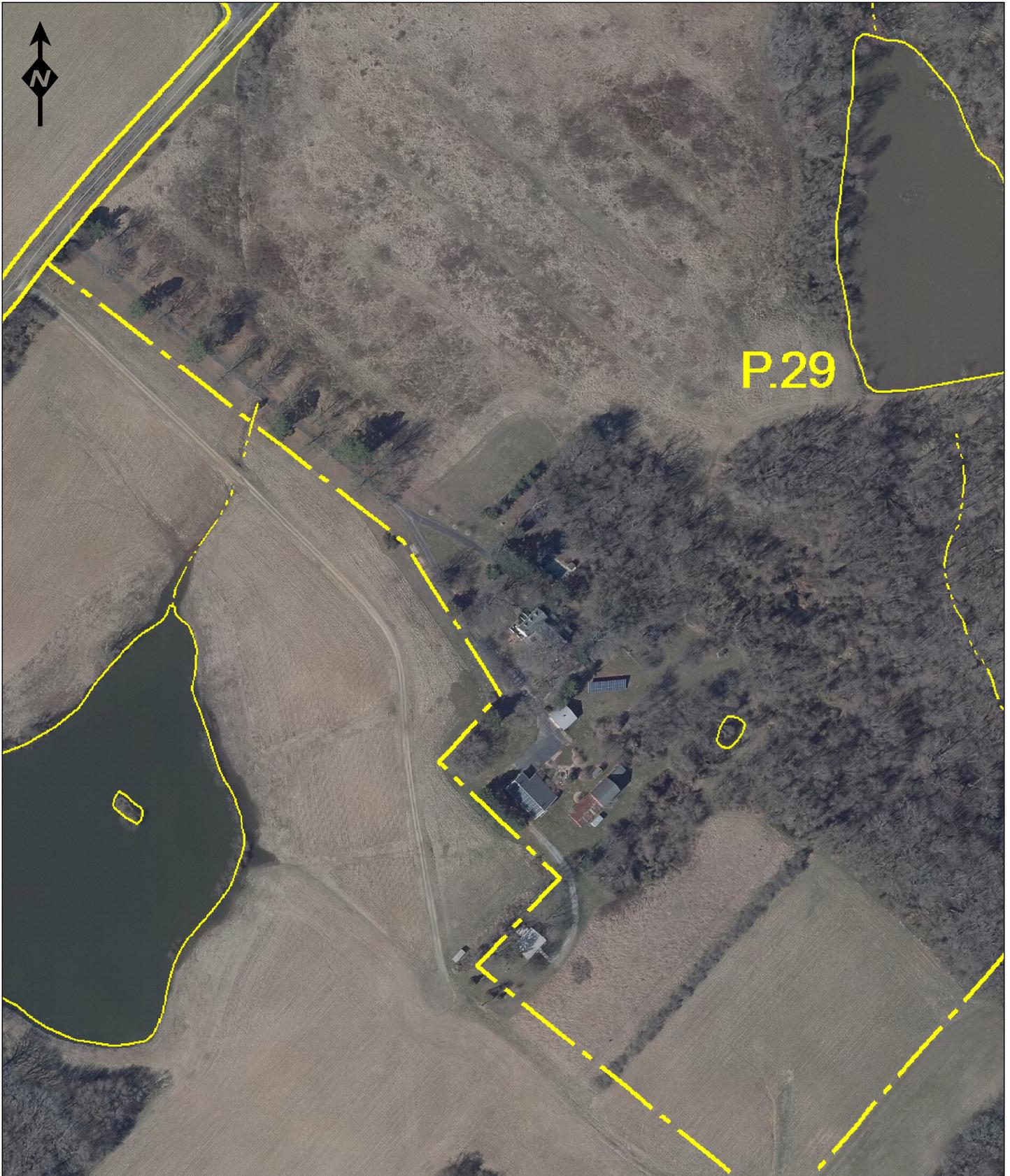
I/We understand that I/We will be required to reimburse the Foundation for any acreage released from easement restrictions due to this request above the first 1.0 acre, which will be pro-rated on a per acre basis at the original purchase price of said easement per acre.

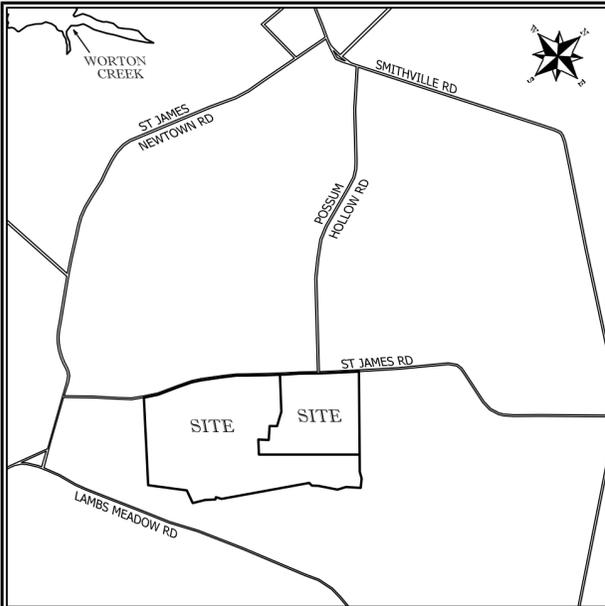
NOTE: THIS REQUEST WILL NOT BE PROCESSED BY THE FOUNDATION UNLESS THE INFORMATION REQUESTED IS COMPLETE AND NECESSARY ATTACHMENTS ARE SUBMITTED WITH THIS APPLICATION. INCOMPLETE APPLICATIONS WILL BE RETURNED.

 9/20/21

Landowner Signature/Date

Landowner Signature/Date





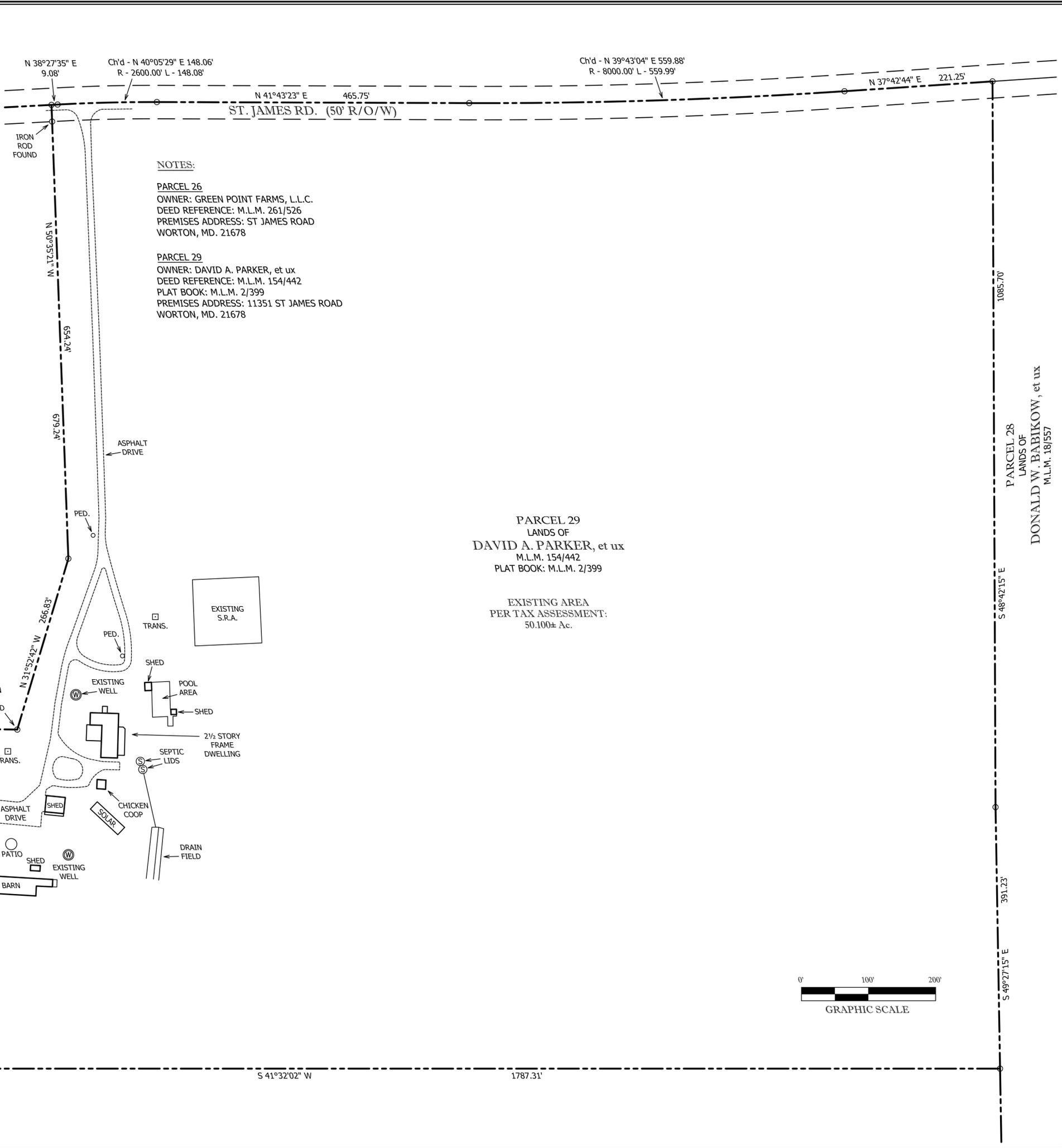
VICINITY MAP

APPROVED:

DATE _____ KENT COUNTY DIRECTOR OF PLANNING

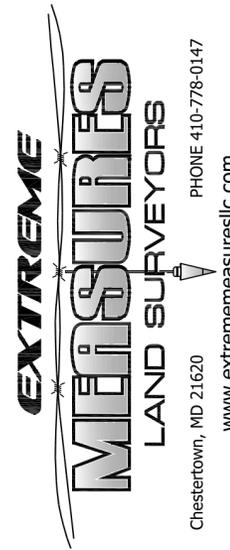
APPROVED:

DATE _____ KENT COUNTY HEALTH DEPT. APPROVING AUTHORITY



PARCEL 26, LOT 1
 LANDS OF
GREEN POINT FARMS, L.L.C.
 M.L.M. 261/526
 PLAT BOOK: M.L.M. 2/399

EXISTING AREA
 PER TAX ASSESSMENT:
 177.81± Ac.



SCALE	1"=100'
DRAWN BY	WJE
DATE	8/6/21
JOB NO.	1370
REVISIONS	

LOT LINE ADJUSTMENT - EXISTING CONDITIONS

BETWEEN THE LANDS OF
DAVID A. PARKER, et ux
 & **GREEN POINT FARMS, L.L.C.**
 THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
 MAP 19 PARCELS 26 & 29

APPROVED:

DATE KENT COUNTY DIRECTOR OF PLANNING

APPROVED:

DATE KENT COUNTY HEALTH DEPT. APPROVING AUTHORITY



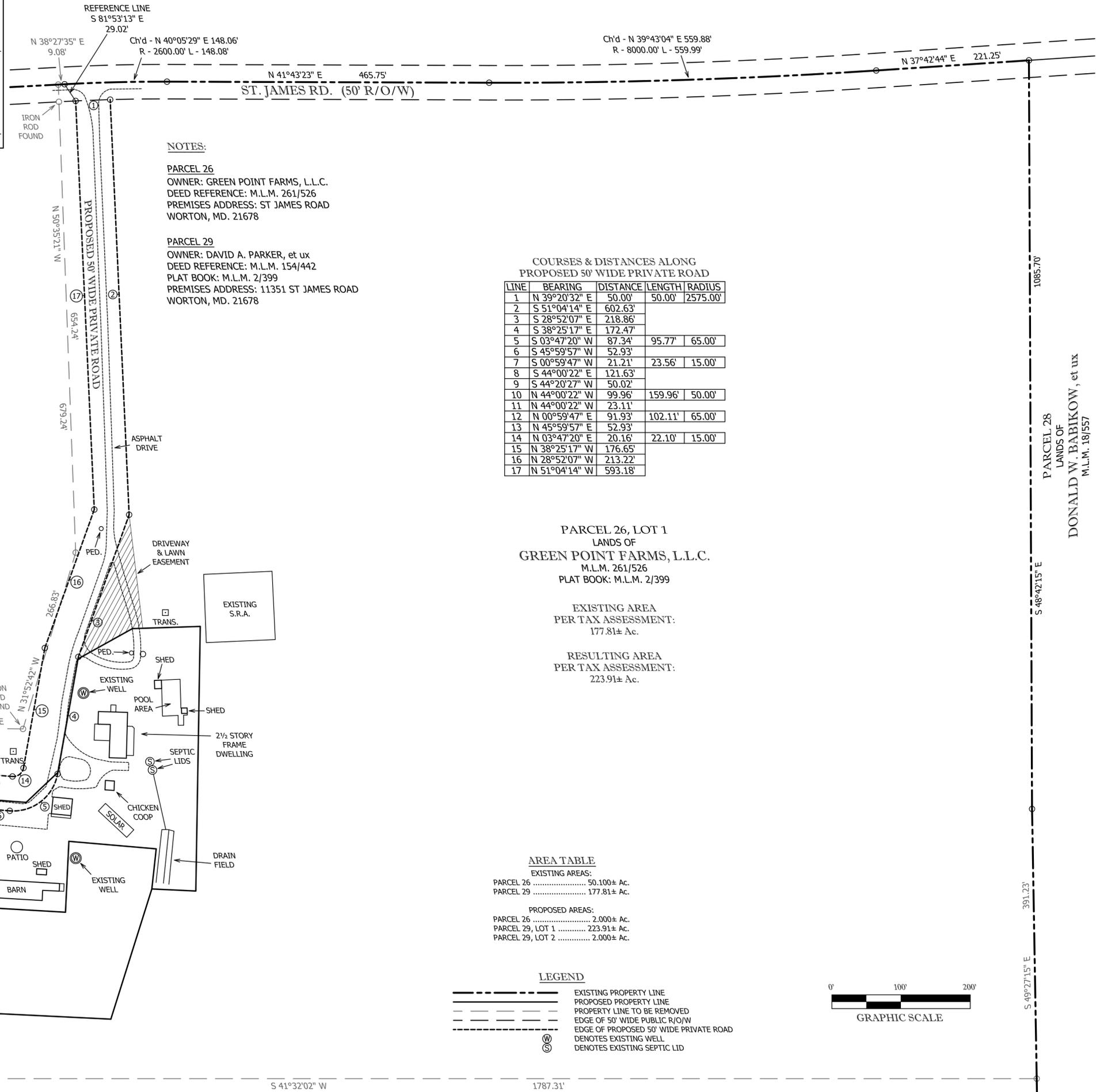
NOTES:

PARCEL 26
OWNER: GREEN POINT FARMS, L.L.C.
DEED REFERENCE: M.L.M. 261/526
PREMISES ADDRESS: ST JAMES ROAD
WORTON, MD. 21678

PARCEL 29
OWNER: DAVID A. PARKER, et ux
DEED REFERENCE: M.L.M. 154/442
PLAT BOOK: M.L.M. 2/399
PREMISES ADDRESS: 11351 ST JAMES ROAD
WORTON, MD. 21678

SUBDIVISIONS SINCE 1969:
PARCEL 26 SUBDIVIDED FROM PARCEL 26 IN APRIL, 2002.
SEE PLAT BOOK M.L.M. 2/399

PRIVATE ROADS ARE NOT THE
RESPONSIBILITY OF KENT COUNTY



NOTES:

PARCEL 26
OWNER: GREEN POINT FARMS, L.L.C.
DEED REFERENCE: M.L.M. 261/526
PREMISES ADDRESS: ST JAMES ROAD
WORTON, MD. 21678

PARCEL 29
OWNER: DAVID A. PARKER, et ux
DEED REFERENCE: M.L.M. 154/442
PLAT BOOK: M.L.M. 2/399
PREMISES ADDRESS: 11351 ST JAMES ROAD
WORTON, MD. 21678

COURSES & DISTANCES ALONG PROPOSED 50' WIDE PRIVATE ROAD

LINE	BEARING	DISTANCE	LENGTH	RADIUS
1	N 39°20'32" E	50.00'	50.00'	2575.00'
2	S 51°04'14" E	602.63'		
3	S 28°52'07" E	218.86'		
4	S 38°25'17" E	172.47'		
5	S 03°47'20" W	87.34'	95.77'	65.00'
6	S 45°59'57" W	52.93'		
7	S 00°59'47" W	21.21'	23.56'	15.00'
8	S 44°00'22" E	121.63'		
9	S 44°20'27" W	50.02'		
10	N 44°00'22" W	99.96'	159.96'	50.00'
11	N 44°00'22" W	23.11'		
12	N 00°59'47" E	91.93'	102.11'	65.00'
13	N 45°59'57" E	52.93'		
14	N 03°47'20" E	20.16'	22.10'	15.00'
15	N 38°25'17" W	176.65'		
16	N 28°52'07" W	213.22'		
17	N 51°04'14" W	593.18'		

PARCEL 26, LOT 1
LANDS OF
GREEN POINT FARMS, L.L.C.
M.L.M. 261/526
PLAT BOOK: M.L.M. 2/399

EXISTING AREA
PER TAX ASSESSMENT:
177.81± Ac.

RESULTING AREA
PER TAX ASSESSMENT:
223.91± Ac.

AREA TABLE

EXISTING AREAS:

PARCEL 26	50.100± Ac.
PARCEL 29	177.81± Ac.

PROPOSED AREAS:

PARCEL 26	2.000± Ac.
PARCEL 29, LOT 1	223.91± Ac.
PARCEL 29, LOT 2	2.000± Ac.

LEGEND

	EXISTING PROPERTY LINE
	PROPOSED PROPERTY LINE
	PROPERTY LINE TO BE REMOVED
	EDGE OF 50' WIDE PUBLIC R/O/W
	EDGE OF PROPOSED 50' WIDE PRIVATE ROAD
	DENOTES EXISTING WELL
	DENOTES EXISTING SEPTIC LID



EXTREME MEASURES
LAND SURVEYORS

Chester town, MD 21620
PHONE 410-778-0147
www.extrememeasuresllc.com

SCALE	1"=100'
DRAWN BY	
WJE	
DATE	8/6/21
JOB NO.	1370
REVISIONS	

LOT LINE ADJUSTMENT - PROPOSED 50' WIDE PRIVATE ROAD
BETWEEN THE LANDS OF
DAVID A. PARKER, et ux
& **GREEN POINT FARMS, L.L.C.**
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
MAP 19 PARCELS 26 & 29

APPROVED:

DATE KENT COUNTY DIRECTOR OF PLANNING

APPROVED:

DATE KENT COUNTY HEALTH DEPT. APPROVING AUTHORITY



NOTES:

PARCEL 26
OWNER: GREEN POINT FARMS, L.L.C.
DEED REFERENCE: M.L.M. 261/526
PREMISES ADDRESS: ST JAMES ROAD
WORTON, MD. 21678

PARCEL 29
OWNER: DAVID A. PARKER, et ux
DEED REFERENCE: M.L.M. 154/442
PLAT BOOK: M.L.M. 2/399
PREMISES ADDRESS: 11351 ST JAMES ROAD
WORTON, MD. 21678

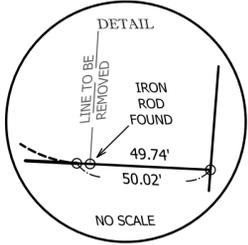
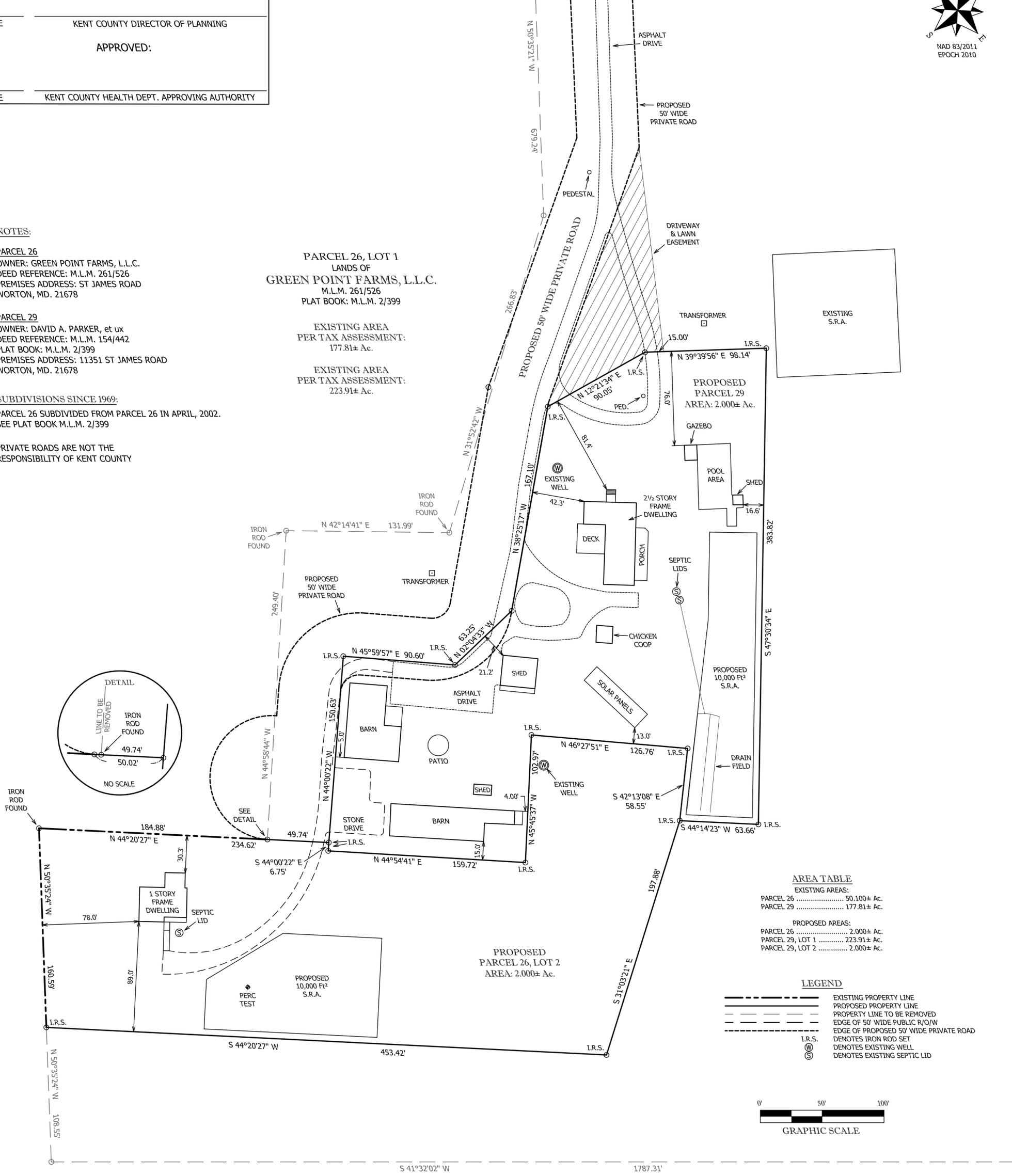
SUBDIVISIONS SINCE 1969:
PARCEL 26 SUBDIVIDED FROM PARCEL 26 IN APRIL, 2002.
SEE PLAT BOOK M.L.M. 2/399

PRIVATE ROADS ARE NOT THE
RESPONSIBILITY OF KENT COUNTY

PARCEL 26, LOT 1
LANDS OF
GREEN POINT FARMS, L.L.C.
M.L.M. 261/526
PLAT BOOK: M.L.M. 2/399

EXISTING AREA
PER TAX ASSESSMENT:
177.81± Ac.

EXISTING AREA
PER TAX ASSESSMENT:
223.91± Ac.



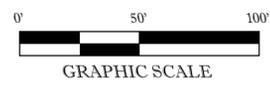
AREA TABLE

EXISTING AREAS:
 PARCEL 26 50.100± Ac.
 PARCEL 29 177.81± Ac.

PROPOSED AREAS:
 PARCEL 26 2.000± Ac.
 PARCEL 29, LOT 1 223.91± Ac.
 PARCEL 29, LOT 2 2.000± Ac.

LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- - - PROPERTY LINE TO BE REMOVED
- - - EDGE OF 50' WIDE PUBLIC R/O/W
- - - EDGE OF PROPOSED 50' WIDE PRIVATE ROAD
- I.R.S. DENOTES IRON ROD SET
- ⊙ DENOTES EXISTING WELL
- ⊙ DENOTES EXISTING SEPTIC LID



LOT LINE ADJUSTMENT

BETWEEN THE LANDS OF

DAVID A. PARKER, et ux
& GREEN POINT FARMS, L.L.C.

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
MAP 19 PARCELS 26 & 29

SCALE
1"=50'
DRAWN BY
WJE
DATE
8/6/21
JOB NO.
1370
REVISIONS

EXTREME MEASURES
LAND SURVEYORS

Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com

SHEET 3 OF 3