



Statement of Stephen Marley
On behalf of the Advocates for Herring Bay
Concerning Bill 69-12
Zoning – Other Zoning Districts – Open Space Districts and Conservation Overlay
September 4, 2012

The Advocates for Herring Bay would like to express our general support for Bill 69-12. It makes important changes to the Open Space legislation that will protect environmentally sensitive areas through the restriction of permitted uses in conservation areas.

To ensure that the intent of 69-12 is made clear in the proposed legislation, we would like to propose three specific clarifications to the proposed legislation:

First, we recommend that the legislation be amended such that new nonprofit camps have restrictions similar to those for commercial campgrounds (Title 18-11-109). As currently written, the bill does not preclude the building of new "Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities" in environmentally sensitive areas. There is no reason why these facilities should be held to lower performance standards than commercial campgrounds.

Second, the Open Space Conservation Overlay provisions of this bill (18-9-204) should expressly affirm that all permitted uses in the Conservation Overlay are subject to the provisions of Title 27 of the Code of Maryland COMAR 27.01 (Critical Area Commission for the Chesapeake and Atlantic Coastal Bays).

Third, we recommend strengthening the environmental standards for any new agricultural activity permitted in areas zoned as open space. This bill would allow Open Space parcels to be used for livestock as allowed in the Residential District Zoning code (18-4-104). Any agricultural activity in environmentally sensitive areas needs to be explicitly controlled. We recommend that it be made clear in the legislation that that when minimum lot size restrictions as specified in 18-4-104 apply within the conservation overlay, then an approved Soil Conservation and Water Quality Plan as specified in the agriculture provision of Title 27 of the Code of Maryland COMAR 27.01.06 is also required.

Thank you for considering our views.