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Talbot planners say nay to Bartlett buffer proposal

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Members say plan would have minimal environmental benefits

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EASTON Saying it would do little to improve local water quality and would take away farmers' incentives to enroll their land in conservation plans, the Talbot Planning Commission Wednesday voted to recommend the county council not adopt a proposal that would require farmers who till their soil to expand the buffer between their fields and tidal waters.

The commissioners voted 4-1 (Commissioner Tom Hughes opposed) against Councilman Dirck Bartlett's proposal to expand the buffer from 25 feet to 60 feet for farmers who turn over their soil using conventional tillage methods. Bartlett has said his goal is to prevent sediment from leaking into and polluting the Bay.

While the commissioners disagreed about the advantages of expanding the buffer in general, they agreed that Bartlett's proposal would have minimal benefits because only about 10 percent of Talbot County farmland currently is being tilled. They also were concerned that the change in regulation would make farmland ineligible for conservation programs such as CREP (Conservation Reserve Enhancement Program), which creates expanded buffers by paying farmers to take land out of production.

"There's so little conventional tillage in the county, even if this amendment were adopted, it wouldn't have any impact on water quality," said Hughes, adding that his original proposal for a blanket 60-foot buffer would be more effective.

Commissioner Richard Hutchison said Bartlett's proposal was meaningless, "just a piece of feel-good legislation."



RICHARD HUTCHISON

Commission Chairman Bill Boicourt said that while he believed expanding buffers across the board could be worthwhile, "This particular legislation is not."

Several local farmers attended the public hearing to speak out against the amendment.

Chip Councill, speaking for the Talbot County Farm Bureau, said farmers already use many conservation practices and are funding research to improve the use of nitrogen and phosphorus, elements in fertilizer that contribute to pollution when they wash into local waterways.

"The proposed buffer expansion is redundant," Councill said, adding that pollution from urban and residential areas is a greater problem for the Bay than farming. According to statistics from the Maryland Department of Agriculture, 45 percent of fertilizer applied in Maryland is for non-farm use. While agricultural use of fertilizer is decreasing each year, he said, non-farm use continues to increase.

Hughes, however, pointed to statistics from the state's BayStat Web site that agriculture represents more than 42 percent of the land use in the Choptank River watershed, while contributing nearly 70 percent of the nitrogen, 85 percent of sediment and 63 percent of phosphorus.

Laird Wise, who owns a farm in Trappe, said the commission should look at the economic results of expanding the buffer.

"You're taking money out of farmers' pockets with very little data," he said, adding that reducing the revenue farmers could get from their fields would increase their incentive to sell their land for development, which is ultimately a greater source of pollution. "I think you're defeating the purpose."

Dr. Callum Bain, founder of Talbot River Protection Association, was the only member of the public to speak in favor of the amendment.

The buffer expansion is "another economic hardship, but I think it's the responsible thing for (farmers) to do," he said.

In case the council votes to adopt Bartlett's proposal anyway, the commission also voted 4-0 (Hughes abstained) to recommend to the county council a definition of no-till farming provided by John Swaine, chairman of the Talbot Soil Conservation District and the USDA Natural Resources and Conservation Service. This definition would make clear what practices would exempt a farmer from the expanded buffer requirement.

Voting on Bartlett's other proposal, an amendment that would limit the size of accessory structures on residential lots, the commission sent a mixed message to the county council.

Hughes' motion to recommend the council adopt the amendment died for lack of a second, but Hutchison's motion to forward a negative recommendation was defeated 3-2 (Hutchison and Commissioner John Trax voting in favor).

Since no members of the public testified during the public hearing, the commissioners disagreed among themselves about whether the proposal was appropriate. The amendment would limit the height of "nonresidential accessory structures" sheds or other buildings besides guest houses to 1,200 square feet of floor area or 2.5 percent of the lot size on lots 5 acres or less. On all other lots, buildings of 3,000 square feet or more would be required to be "screened" if they are located within 200 feet of a property line.

"I think it's overkill myself for the occasional accessory building that might be obnoxious to someone," Hutchison said, noting that the revised zoning ordinance has reduced height limits for accessory buildings from 40 feet to 30 feet on lots greater than 2 acres and 25 feet for lots less than 2 acres.

Hughes said some buildings in back yards could block neighbors' views.

"We could spend the rest of the day debating whether we have the sizes right, but I think the point of limiting the size of accessory buildings on small lots is a good one," he said.

Commissioner Mike Sullivan said Bartlett's amendment should apply to lots 2 acres or less, not 5 acres. Boicourt said he had a problem with the screening requirement, adding that the commissioners should detail their concerns to the county council.

"My suggestion is we send that muddled message up as-is, and join the conversation" at the council's public hearing Feb. 10, Boicourt said.

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