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Hon. Brian J. Feldman  
Chair, Education, Energy, and the Environment Committee  
Senate of Maryland  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Objections to SB 36

Dear Chair Feldman and other Members of the Education, Energy, and the Environment Committee:

I'm writing to express concerns with SB 36 and to recommend an unfavorable report on the bill.

This bill would override local zoning boards and establish inflexible zoning standards for most lots served with public water and sewer service across the State.

While encouraging denser zoning in certain areas served by public utilities may be a worthy goal, doing so with a universal mandatory standard would reverse decades of wise state policy assigning such authority to local zoning boards. And in so doing, the proposed standard could have significant negative environmental impacts and impose unintended financial and other obligations on our state and local governments for unplanned infrastructure.

Most zoning decisions should be made at the local level, except perhaps where such decisions may set significant burdens for the state or for surrounding jurisdictions. The standards set forth in this bill would do the opposite.

I live in southwest Montgomery County, Legislative District 16, near the Washington, D.C. border. My street was developed 75 years ago, with 8,000 sf lots. Nearby streets are older and have 6,000 sf lots. Other neighborhoods within my civic association have larger lots. While townhouses and 5,000 sf lots may be appropriate in some parts of my neighborhood, they would not be for others.

On my street, three homes were recently torn down and replaced by much larger new dwellings. They occupy nearly every square foot of their lots, and required the removal of almost every large tree on their properties—trees mostly older than our street. This is not something that should be encouraged or required everywhere in

our state. Similarly, a 5-foot setback would be inappropriate for my neighborhood and many other existing subdivisions. That would set dwellings only 10 feet apart.

Perhaps some of the standards in SB 36 might be reasonable for certain new subdivisions. But “perhaps” and “certain” are important qualifiers that the State should respect. For example, a requirement to increase density could unwittingly cause a substantial increase in the size of a planned new development. In some circumstances this may be fine. In others, it could overwhelm the capacity of roads, schools, and other infrastructure—and obligate the state and local governments to fund the necessary infrastructure to meet that unplanned need. It is hard enough to come up with funds for infrastructure to meet Adequate Public Facilities Ordinances for development that is planned. It is another matter when such development is unplanned and imposed by fiat through state law.

There are likely ways that the State could promote denser development, where appropriate, without the negative impacts that are certain to result from an inflexible statewide standard that removes local boards from the zoning process. I would encourage the Department of Planning to work with local zoning boards, perhaps through the Maryland Association of Counties, to develop a more viable solution than the one currently before the Committee in SB 36.

In the mean time, I suggest an unfavorable report on the bill as written.

Respectfully yours,

/s/

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