

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 2, 1986

Present: Commissioner J. Patrick Jarboe, President  
Commissioner Larry Millison, Vice-President  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner Arnold was not present due to illness).

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday August 26, 1986. Motion carried.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Dean, to approve payment of the bills. Motion carried.

COUNTY ADMINISTRATOR ITEMS

1) STATE SURPLUS PROPERTY  
MD. RT. 5 IN GREAT MILLS

The County Administrator presented correspondence dated August 11, 1986 from the Department of Transportation (previously reviewed by the Board on August 19) which advises the County of excess land containing approximately 0.28 acres located on the northside of Md. Rt. 5 west of Chingville Road to be offered for sale at fair market value and inquiring if St. Mary's County has any interest in the property.

The Commissioners gave their concurrence to express that St. Mary's County does not have an interest in the referenced property.

2) GROUNDWATER PENETRATION STUDY

The County Administrator advised that relative to previous discussion with local health department officials, staff at Johns Hopkins University is considering conducting a groundwater penetration study. A proposal will be developed and presented to the Board.

3) PERSONNEL

The County Administrator presented the following personnel items for consideration by the Board:

a) Plans Examiner Position  
Office of Planning and Zoning

Memorandum dated September 2, 1986 from Personnel Officer recommending the selection of Phillip Shire to the Plans Examiner position, Grade 13, vacated by the resignation of Charles Brenton.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Personnel Officer's recommendation. Motion carried.

b) Construction Inspector III Position  
Office of Planning and Zoning

Memorandum dated September 2, 1986 from Personnel Officer requesting permission to authority to fill the referenced position vacated because of the above promotion of Phillip Shire to Plans Examiner.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Personnel Officer's recommendation. Motion carried.

c) Permits Clerk  
Office of Planning and Zoning

Memorandum dated September 2, 1986 from Personnel Officer requesting authority to advertise the Permits Clerk position, Grade 5, vacated by Kathleen Dionne.

The Commissioners gave their concurrence.

4) MARYLAND HOUSING REHABILITATION PROGRAM  
LETTER OF INTENT

The County Administrator presented a Letter of Intent for the County's participation in the Maryland Housing Rehabilitation Program, which will complement the Community Development Block Grant revolving loan fund which enables limited income families to make urgent and essential home repairs.

Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Jarboe to sign the referenced Letter of Intent. Motion carried.

5) LETTER TO C & P TELEPHONE COMPANY

As previously discussion, the County Administrator presented correspondence addressed to the C & P Telephone Company requesting the placement of emergency broadcasting information inside the front cover of the 1987 telephone directory.

The Commissioners gave their concurrence to sign and forward said letter.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of Personnel. Motion carried. The Session was held from 9:20

DEPARTMENT OF PUBLIC WORKS ITEMS

Present: John Norris, Director

1) COUNTY HIGHWAY MAINTENANCE SYSTEM ROADDATA INDEX

For the Commissioners information, Mr. Norris presented the referenced Roaddata Index, which is being provided to fire departments, rescue squads and appropriate agencies.

2) ADDENDUM TO PUBLIC WORKS  
FOREST RUN SUBDIVISION

Mr. Norris presented an Addendum to the Public Works Agreement by and between Edward J. Cook (The Winston Corporation) extending the deadline for completion of Forest Run Drive in the Forest Run Subdivision to September 1, 1987, and is backed by an Irrevocable Letter of Credit in the amount of \$38,500 reduced to \$14,300.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Jarboe to sign the Addendum. Motion carried.

3) DAKOTA MANOR SUBDIVISION  
RIGHT-OF-WAY PERMIT EXPIRATION

Relative to last week's discussion regarding the expiration of the right-of-way permit, Mr. Norris advised that his office is in receipt of a check in the amount of \$2500, the value of the work to be completed. Mr. Norris requested concurrence by the Board to accept the check and that when Peggs Road extended is built that DPW would perform that part of the work as part of the capital project.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Public Works Director's recommendations. Motion carried.

4) LETTERS OF CREDIT

Mr. Norris recommended to the Board that the following language as worked out with Joe Densford, Assistant County Attorney and himself, be inserted in Letter of Credit forms:

Any certification required under this Letter of Credit as to a default, or failure to perform by the Permittee under the Construction Permit, shall be provided by the Director of Public Works for St. Mary's County, Maryland. Any drafts transmitted hereunder shall be valid if executed by the Director of Public Works."

During discussion Commissioner Millison suggested that the County Attorney be advised that St. Mary's County should be protected to the fullest extent possible including the ability to have the developer personally liable for the obligation to perform the work and if possible the surety to be liable beyond the permit expiration date. Mr. Norris stated that he would get Mr. Densford, Commissioner Millison and himself on the telephone to discuss this.

After discussion, the Commissioners gave their concurrence to include the language as submitted by Mr. Norris.

5) ROAD RESOLUTION NO. R-87-5  
GREAT MILLS LANE

Mr. Norris presented the referenced Road Resolution posting Great Mills Lane as a "No Parking Zone" from its intersection Essex Drive for a distance of approximately 60 feet in a southerly direction.

6) DEPARTMENT OF NATURAL RESOURCES PROJECTS

a) Dukehart's Creek

Mr. Norris suggested that a letter be written to DNR stating that St. Mary's County requests them to do maintenance dredging for portions of the spoils site that have sloughed back into the channel, and requested authorization for President of Board to sign the letter when prepared.

Commissioner Sayre moved, seconded by Commissioner Dean, to authorize Commissioner President Jarboe to sign the letter. Motion carried.

b) Tall Timbers, Third Shore Erosion District

Mr. Norris presented correspondence addressed to Shore Erosion Control, DNR, requesting consideration of an interest-free loan to St. Mary's County on behalf of the citizens of Tall Timbers to cover the costs in excess of \$1 Million of the federal project. Mr. Norris stated that the District will consist of 420 feet of the original District and the properties within the original district and to the north.

The Commissioners agreed to sign and forward the letter to DNR.

7) PROJECT NO. SM 87-3-1  
MAINTENANCE DREDGING OF TANNERS CREEK

Mr. Norris presented the bid tally sheet for the referenced project and recommended that the Commissioners award the bid to the lowest bidder, Cottrell Engineering Corp., in the amount of \$215,000. Further Mr. Norris requested authority to have Commissioner President Jarboe to sign the contract, the spoils site lease, and the drainage easement documents.

After discussion Commissioner Dean moved, seconded by Commissioner Sayre, to award the bid to Cottrell, the lowest bidder, and further to authorize Commissioner President Aud to sign all appropriate documents. Motion carried.

8) SALT BARN VICINITY MAP

Mr. Norris presented and displayed the Site Plan for the Salt Barn to be located at the St. Andrews Landfill area and requested authorization for Commissioner President Jarboe to sign the Site Plan.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Jarboe to sign the Site Plan as presented. Motion carried.

AGRICULTURAL LAND PRESERVATION DISTRICTS

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred presented the following requests for Agricultural Land Preservation Districts, which have been recommended for approval by the Planning Commission and the ALPD Committee:

1) ALPD #86-0874 - JAMES H. & WILLIAM H. HALL

Property located on Tax Map 30, Block 6, Parcels 87 and 117; land consisting of 161.5 acres in the Seventh Election District.

2) ALPD #86-1212 - WILMA JEAN TROSSBACH

Property located on Tax Map 64, Block 9, Parcel 26;  
land consisting of approximately 94 acres in the  
First Election District.

Mr. Gerred advised that the State has a 100 acre  
requirement for an ALPD, and the Planning Commission  
has recommended seeking a waiver of that requirement.

After discussion Commissioner Millison moved, seconded by  
Commissioner Sayre, to recommend to the State that the referenced requests  
be approved for Agricultural Land Preservation Districts. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John Norris, Director, Public Works  
John Baggett, Director, Recreation & Parks

Commissioner Sayre moved, seconded by Commissioner Dean, to meet  
in Executive Session in order to discuss a matter of land acquisition.  
Motion carried. The Session was held from 10:15 a.m. to 10:50 a.m.

DEPARTMENT OF RECREATION AND PARKS

Present: John Baggett, Director

1) NOTIFICATION OF GRANT AWARD  
MARYLAND HUMANITIES COUNCIL GRANT

Mr. Baggett presented the Notification of Grant Award in the  
amount of \$1,000 for a project entitled "Two Rivers - One Land", a large  
mural depicting the historic sites in St. Mary's County to be placed at the  
Museum.

The Commissioners gave their concurrence to accept the NGA as  
presented.

2) SECURITY LIGHTS  
ST. ANDREWS PARK

Mr. Baggett requested permission to have two security lights  
installed at the St. Andrews Park. The cost will be \$120 a year.

The Commissioners gave their concurrence.

3) HERMANVILLE RADAR SITE  
GRANT OF EASEMENT

Mr. Baggett presented a Grant of Easement between the County  
Commissioners of St. Mary's County and United State of America, through the  
Department of Navy granting perpetual easement for a communications  
microwave repeater tower on a parcel of land consisting of .0309 acres on  
the Hermanville Park and Recreation Site.

Commissioner Sayre moved, seconded by Commissioner Millison, to  
authorize Commissioner President Jarboe to sign the Grant of Easement.  
Motion carried.

PRESS CONFERENCE

Present: Judy Landau, The Tide  
Richard Marks, WKIK  
Michael Gray, Enterprise  
Dick Myers, WPTX  
Other members of the Audience

At this time the Commissioners conducted an informal Press Conference.

PROCLAMATION

DISABLED AMERICAN VETERANS - FORGET-ME-NOT MONTH

Present: William Trent  
Chuck Oliver

The Commissioners presented the referenced Proclamation designating the month of September as Disabled American Veterans - Forget-Me-Not Month.

OFFICE OF PLANNING & ZONING

PUBLIC HEARING

ZONE # 85-1480: KENNETH WATHEN

Commissioners present: J. Patrick Jarboe, Ford Dean, David Sayre, and Larry Millison. Commissioner Richard Arnold was absent. Staff present included: Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

Members of the audience included: Angennetta E. Bittner,, Susie Clythene Guy, Vivian E. Marek, F. Michael Harris, Joan Marsh, Marie B. Hurry, Edith Greess, Leonard Linsenmayer, Althea Linsenmayer, Margaret Breck, Nancy Breck Tale, Ken Wathen, Blanche E. Abernethy, A. W. Schreck, E. G. Rea, Frances Eagan.

ZONE # 85-1480: KENNETH WATHEN

Requesting rezoning of one acre from R-1, Rural-Residential, to C-1, Commercial. The property is located on the northeast corner of Maryland Route 243 and Bull Road, Compton, in the Third Election District, shown on Tax Map 40, Block 2, as Part of Parcel 7.

Commissioner President Jarboe opened the public hearing and deferred to County Planner, Robin Guyther, Office of Planning and Zoning, who advised that the application was originally for one acre, however, the applicant had subsequently opted to amend his application at the Planning Commission's public hearing to include two acres, which was delineated on the displayed plat.

The Notice of Public Hearing was duly advertised in the Wednesday, August 13, 1986 edition of "The Enterprise" Newspaper, a publication of general County-wide circulation.

Staff entered the complete Planning Commission record into the proceeding and asked the applicant for evidence of notification to contiguous property owners and whether the property had been legally posted. Mr. James A. Kenney, III., Esq. came forward and noted his appearance this date on behalf of the applicant, Mr. Kenneth Wathen, also in attendance. Counsel provided for the record, marked Applicant's Exhibit No. 1, the returned postal receipts from certified mailings sent to all contiguous property owners and photograph taken by the applicant offering visual evidence of the posting of the property, as prescribed.

Mr. Guyther provided summarization of the findings proffered by the Planning Commission, i.e. recommendation to deny the request, based on their finding that the applicant failed to demonstrate that there had been a mistake in the original zoning nor that there had been change of sufficient character in the neighborhood to warrant consideration for commercial zoning. The Planning Commission was of the opinion that the neighborhood was agricultural/residential and irregardless of increased residential growth, the neighborhood was still primarily an agricultural community.

In response to question posed by Mr. Kenney, staff acknowledged that correspondence dated March 24, 1986 addressed to the Planning Commission from counsel (in response to staff's report and recommendation of March 12, 1986) had been included in the formal file and was included in the brief provided to all Commissioner members.

Addressing the Board, Mr. Kenney advised that he would elicit testimony from two witnesses this date, Mr. Lawrence Ludwig, of McCrone, Inc. and the applicant, Mr. Kenneth Wathen.

Mr. Ludwig introduced himself and addressed what he felt were the six key issues pertaining to the applicant's request: stormwater management, sewage disposal, water supply, landscaping, general development of the area and traffic.

Stormwater management is to be handled via infiltration practices, as prescribed by the Department of Public Works. Mr. Ludwig noted visually on the plat that area to be utilized for the septic, which he urged would conform to the specifications of the State Health Department. A central water system is proposed to serve the total property which would include the residue parcel (the latter is the subject of a separate application for residential subdivision). Landscaping design would be accomplished and would be considered at site plan.

Mr. Ludwig spoke at length to the development plan and via visual orientation of the property aided by large map, the surrounding developments of Breton Bay area inclusive of Society Hill and Paw Paw Hollow, containing some 493 lots (408 which have been developed) and Mulberry North and South were identified. With regard to the projected traffic generated by this proposal, Mr. Ludwig used the formula of 7 vehicular trips per day, per dwelling, which would result in some 2,856 trips in and out of Bull Road. Mr. Ludwig stated that while he could not venture a specific number, he felt that many of those trips could be served by a convenience store in this community. Mr. Ludwig offered, "I would presume that having that kind of service in the neighborhood would cut a lot of trips down....or into Leonardtown....but there would be some decrease, potentially, in the traffic out here in Compton Road and on Route 5....and that decrease in traffic would have some desirable affects very possibly by decreasing the traveled miles out on Compton Road and on Route 5, it would reduce the potential for congestion on that road, it would also decrease the possible future up-grade...."

Commissioner Millison reflected that oftentimes opposition to a proposed project was valid and othertimes, he felt that the populace was erroneously informed as to certain aspects of a case. He asked Mr. Ludwig whether he might venture any adverse affects that might be realized as a result of this proposal. Mr. Ludwig stated that he had just recently purchased a lot in this community and intended to build a home in the area. In relation to this application, he favored the development of a convenience store in this rural area and felt that it would save him time in terms of not having to drive into Leonardtown for some of the daily necessities.

In response to question of Commissioner Sayre, Mr. Ludwig advised that there would be a single 4" well to serve the property. He ventured that the normal average well provided 1 gallon per minute per household. Using this general criteria, he noted that the 30 gallon per minute well would suffice.

In reviewing the conceptual plat, Commissioner Dean inquired as to the distance between the two proposed entrances to the property and the intersection of Maryland Route 243 and Bull Road. Mr. Ludwig advised that the frontage along the road was 720 ft. and the distances between the entrances was around 300 ft. He continued that in the development of the residential lots, an improved plan could be derived that would provide separate entrance/service road to the residential lots, providing ingress/egress further up Bull Road. With regard to the safety issue, Mr. Guyther injected that the Department of Public Works was evaluating this case based on the existing characteristics of the road, as opposed to any specific standard, recognizing that there was poor site distance at the intersection of Bull Road and Route 243. Counsel acknowledged that those issues would be fully addressed and approved at the site plan stage and at said point, the issue of the location of ingress/egress could be dictated and/or restricted. Irregardless of that future analysis and approval, Commissioner Dean felt that it was incumbent upon the Board to evaluate and consider the achievability of safe ingress/egress. Counsel agreed and injected that since Mr. Wathen did own the adjacent property, the applicant was provided with further opportunity to deal with any conditional approval granted by the Board in this matter to that end.

Counsel called his second and final witness, the applicant, Mr. Kenneth L. Wathen. Mr. Wathen provided the Board with several proposed schematic designs for the proposed commercial building, who likened the operation of the proposed convenience store to that of a "food mart."

Mr. Wathen spoke to this proposal and urged that there had been an apparent need for a long period of time, for a convenience store in this area and he ventured that this site was a "choice location" for such a store that would also serve other residents in the Breton Bay/Compton area. Mr. Wathen urged, "We feel that even though its been stated previously that there's no law that says that there has to be a convenience store on the outside of any housing development, there is no law saying that it wouldn't be nice to have that...so I feel that not only is there a need at this time, but there is a strong growing need." The applicant furthered that originally the site was comprised of one acre, however, it had become necessary, in order to accommodate/provide safer entrance, to include additional acreage. Mr. Wathen urged that the adjacent property was "committed" to single family dwellings and that a conceptual plan had recently been approved by the Planning Commission for that sole purpose.

Commissioner Millison asked the applicant whether he would be amenable to placing a covenant or restriction on the property, prohibiting future commercialization of the property. Mr. Wathen responded affirmatively and added that he was of the opinion that there simply was no need for any sizable commercialization in this area.

Mr. Wathen spoke to the safety issue of the road and emphasized that he was well aware of DPW's interest and desire to effect a perpendicular realignment of this road to Compton Road, that he would be willing to donate a portion of his property for that purpose. Thus, Mr. Wathen ventured that only two other property owners would be involved in the realization of that realignment and was a positive consideration as "this project would step up the planning of it (of that entrance) and it would help it, to some degree."

Speaking to former concerns voiced by several of the residents in this area regarding the possible nuisance factor caused by loitering youth and control of trash, Mr. Wathen felt that those issues could be resolved through proper management and really were not rezoning issues.

Counsel referenced that portion of the Planning Commission's minutes which provided former testimony and description of what he had designated as the primary and secondary neighborhoods.



With regard to the legal issues of change and/or mistake, Mr. Kenney reflected that often the Maryland Court of Appeals had indicated that what the courts termed change or mistake were very clouded, i.e. what appeared to be a change might be a legal mistake and vice-versa. In terms of this particular neighborhood, counsel felt it important to review the growth plan and consider the development which has occurred in the surrounding areas. He emphasized that within the primary neighborhood there was no form of convenience shopping and that while several nonconforming uses were found within the secondary neighborhoods, he urged that from a legal standpoint, the Board should not rely on those nonconforming uses as service situations as the whole concept of nonconforming uses was that at some point in time, those uses would be phased out and cease to exist.

Offering closing remarks, Mr. Kenney called attention to the fact that there had been supportive testimonies offered by numerous residents in this area during the Planning Commission's public hearing process and he emphasized that it was 6 miles to the nearest convenience store located in Leonardtown. Counsel noted that there had been a definite change in the population in this area since 1974 and he urged that this unforeseen change in the population figures created a definite change in the character of this neighborhood and failure to provide for the needs of that growth, was a legal mistake. In conclusion, Mr. Kenney urged that there was no question, but that the Board must consider the technical aspects of this proposal, however, he urged that the concerns relative to the road issues would be taken into consideration and properly dealt with at the site plan stage. He reiterated the fact that the applicant had voiced his willingness to covenant certain aspects of this property.

Commissioner Jarboe opened testimony for public input.

Mr. F. Michael Harris, Esq. came forward and noted his appearance as legal representative for contiguous property owner Mrs. Angennetta E. Bittner, who owned approximately twenty-five contiguous acres. Mr. Harris advised that he had previously appeared before the Planning Commission on behalf of his client and while he did not wish to be repetitious in his testimony, he felt that it was important that the Board of County Commissioners be made aware of several "flaws" in this application.

Mr. Harris stated that after listening to the applicant's initial presentation and discourse this date, his former observation was still evident, i.e. "there's been absolutely no showing today of any evidence of a change in this neighborhood or a mistake in the adoption of the original Zoning Ordinance." He pointed out that if the Board reviewed the area and considered the neighborhood, as designated by the applicant, the two were totally disjointed. He reflected that while the applicant had opted to "tie in some secondary neighborhoods" he still had not addressed the legal issues of change or mistake for the primary neighborhood. Mr. Harris urged that it was quite obvious, that Mr. Kenney's arguments with respect to change/mistake were lacking, because there had not been any change in the area or mistake in the original zoning, as the area was designated as a rural agricultural/residential community, that there had not been "any type of change, it's all residential, there's no commercial."

With regard to Mr. Kenney's argument relative to the nonconforming use status and his contention that those nonconforming commercial uses should not be considered, as they were of a temporary nature, Mr. Harris emphasized that the Zoning Ordinance provided the identification of a nonconforming use and also allowed for the continued operation and expansion of such uses. Mr. Harris stated that further proof that the character of this neighborhood had not changed was substantiated by the fact that those several existing, recognized nonconforming commercial uses had never expanded, simply because there was no need. Counsel spoke to the second issue relative to mistake in the original zoning and urged that there was no evidence to suggest that a mistake had been made. He urged that the fact of the matter was that this area had been designated residential, had remained residential for twelve years and the applicant's own admission and application for residential development provided further proof of this continued residential character.

Mr. Harris spoke at length to the applicant's responsibility and burden to present proof supportive of his case and reiterated that this burden and evidence, simply had not been shown. Mr. Harris stated, "Even if you felt that this was a worthwhile project, that there was some need for it, that other neighborhood's may have the ability to use this, even if you thought that this was the greatest project in the world and that Mr. Wathen was the most deserving applicant that ever appeared before this Board, you still must find that there's been a change in the character of the neighborhood or a mistake, and that hasn't been demonstrated here, it hasn't even been attempted to be demonstrated today."

Ms. Clythene Guy advised that she lived directly across from this site and currently had problems with individuals turning around in her driveway. She ventured that this problem would escalate with the commercial development of this site. She voiced concern with the increased traffic, noise, littering and general nuisance factor.

Mrs. Joan Marsh spoke in opposition and reiterated her former testimony in which she supported the original residential zoning of this area, noting that the character of the community had not changed and that a commercial rezoning of this site would impact and change the area.

Mr. Pete Breck, of 215 Lake Drive, spoke in favor of the project and urged that there had been a change in the character of this area, caused by approved application of Mr. Waring for condominiums and conference center in the Breton Bay area. Mr. Breck urged that there was a need for this type of convenience shopping.

Mrs. Margaret Breck advised that she had been a resident in this area for twenty-three years and that "for twenty-three years I've wanted a convenience store." She offered, "I certainly hope that he will be approved."

Mr. Leonard Linsenmayer opposed this application and offered several concerns, noting that he had previously submitted his thoughts in writing for the record. As a resident of this community for thirteen years, Mr. Linsenmayer stated that he saw no need for a convenience store in this area and even if such an enterprise were needed, he could not think of a worse location. He urged that Bull Road was a disaster and he noted his concern with increased traffic and with increased bicycle traffic, he felt that an approval of this rezoning would "make a bad situation worse." Mr. Linsenmayer recalled that several years ago, through his involvement with the civic association, the County had been approached concerning the possible widening of Bull Road and he urged that the the Commissioners at this time, again consider upgrade of this road, to include shoulder construction.

Mrs. Edith Greess related that she was a fairly new resident of this community, having resided here for six months, however, she wished to note that during this short period, she had witnessed four major accidents on this road.

Mr. Stewart Stone advised that he had bought property in this area, based on the fact that the zoning of the area was agricultural and residential and he urged that the Commissioners recognize the fact that there were areas of the County that should be maintained residential. He urged that the citizenry of the County deserved to have that zoning protected and should not have to be constantly on guard or worry about waking one morning to find a commercial enterprise next door. Mr. Stone stated that he did not want to see Compton become like Great Mills, Hollywood and Lexington Park. He urged, "The people who live down there have a right to maintain the residential-rural character of that neighborhood." Mr. Stone felt that there was adequate commercial services in close proximity to this area and he urged the Board to deny the rezoning.

Blanche Abernethy voiced concern with the existing hazardous situation of the road and confirmed that there had been several fatal accidents at this intersection recently. She noted that ingress and egress to Bull Road was "pretty close to being as bad as 243 itself."

Nancy Dale spoke in favor of the application, noting that as a parent of several small children, she quite frequently was forced to go to Leonardtown in order to get a loaf of bread, a gallon of milk or a bag of ice and that having known the applicant for many years, she did not feel that the applicant would undertake such a project without having taken into consideration the many safety aspects.

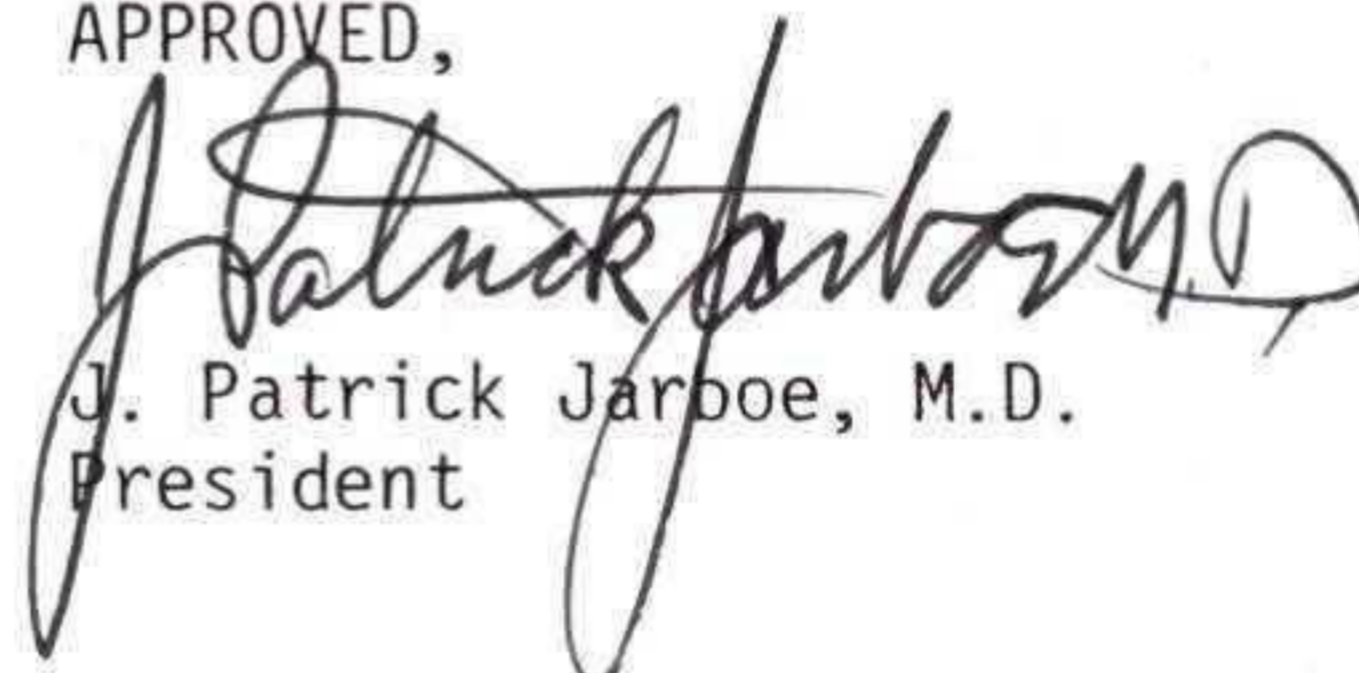
County Planner, Robin Guyther, noted that there were numerous letters both in favor and opposition included within the formal file, should any of the Commissioners wish to review same.

Hearing no further testimonies, the Chair closed the public hearing, with the Board taking the matter under consideration.

ADJOURNMENT

The meeting was adjourned at 12:05 p.m.

APPROVED,

A handwritten signature in black ink, appearing to read "J. Patrick Jarboe". The signature is written in a cursive style with a large loop at the end.

J. Patrick Jarboe, M.D.  
President