

## REAL ESTATE NOTES

# Developer Defends Plan for Md. Farm

Associated Press

EASTON, Md.—A Washington developer who owns a historic Talbot County farm says he has been wrongly accused of being insensitive to preserving the Myrtle Grove property and only wants to develop a portion of the land to protect the rest.

Unless developer Herbert Miller and his wife, Patrice, are allowed to build three homes on a piece of the 165-acre Myrtle Grove farm, they may not be able to afford to preserve the remainder of the historic site, which includes a 1734 wood frame house and possibly the oldest law office in Maryland, their lawyers said this week. Miller is the developer who built Potomac Mills Mall as well as Washington Harbor and Georgetown Park in the District; he is now planning to build a retail-entertainment center next to MCI Center.

The Millers, who run a trust that purchased the farm from Margaret Donoho's family after her death in 1989, are caught in a legal wrangle over whether they should be able to subdivide a portion of the land.

The National Trust for Historic Preservation has held an easement protecting the property since 1975, and initially agreed to a request by the Millers to allow the property at the confluence of the Miles River and

Goldsborough Creek to be subdivided so three homes could be built.

But the trust now says it cannot allow the development, and state Attorney General Joseph Curran filed a lawsuit in Talbot County to block it. In the meantime, the Millers are suing the National Trust in Washington for breach of contract.

Former U.S. Sen. Joseph Tydings, who represents the Millers, said the couple wants to protect the historic structures and has already spent millions renovating the property.

"When you see what they have done to this property, you can't believe it," said Tydings, a lawyer. "They've spent \$2 million already. That's a model for what historic preservation should be about."

Both Tydings and another lawyer, S. Scott Morrison, said the original deal with the National Trust would have allowed them to subdivide 60 acres of the property so that the cost of maintaining the historic farm would be shared.

In exchange, the Millers offered to put 20 acres of land at the farm's entrance into the trust's easement.

If the original deal is not kept, Morrison said the Millers could instead develop that 20-acre parcel, which he said already is zoned for such development.

According to caretaker Jerry Wil-

moth, the Millers have renovated the main house, which includes the original 1734 wood-frame house and additions dating back to the 1790s.

"Working with a renowned preservation architect, the Miller Trust spent hundreds of thousands of dollars to restore and repair these buildings," Morrison said in court papers. "The Millers also discovered that maintenance of the surrounding property... imposed a substantial financial burden."

Although the National Trust's president, Richard Moe, initially agreed to the subdivision, he retracted that position and now supports the state's lawsuit. Environmentalists and Donoho's family have argued against any subdivision of the property, saying it hurts the state's efforts to protect open space in Maryland.

## Battle in Fredericksburg

To make way for a major tourist center, the Fredericksburg City Council this week approved a controversial plan to rezone 550 acres of land near the Rappahannock River from residential to commercial.

That helps clear the path for a developer, the Silver Cos., to build up to eight hotels with as many as

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