



HOWARD COUNTY CEMETERY PRESERVATION ADVISORY BOARD

3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

www.howardcountymd.gov
410-313-2350
FAX 410-313-3042
TDD 410-313-2323

November 2019 Minutes

Tuesday, November 12, 2019; 10:00 -11:30 a.m.

The bi-monthly meeting of the Cemetery Preservation Advisory Board was held in the Ilchester room on the 2nd floor at 3430 Court House Drive, Ellicott City, MD 21043. All cases are public meetings unless otherwise indicated. All inquiries should be made to: 410-313-2350.

Members Present: Liz Larney, Chair; Mike Bennett; Fred Dorsey; Roberta Kelly

Staff Present: Beth Burgess; Kaitlyn Clifford

Public: Melinda Chaney Farnsworth, Savage Cemetery; Mike McCann, Fisher Collins & Carter; B. James Greenfield, MG Land Holding 1, LLC; Debra Radcliffe-Borsch; Alan Whitworth; Cheryl Munshower

General Topics

CPAB Business

- Mr. Dorsey moved to approve the September 2019 minutes. Ms. Kelly seconded. The motion was unanimously approved.

5020 Ten Oaks Road

5020 Ten Oaks Road came before the Historic Preservation Commission in February 2019 for Advisory Comments on demolition of the historic home. Jim Greenfield, the owner, contracted Fisher, Collins and Carter to begin demolition, development of the new house and to clean up on the property. During demolition and clean up, the contractor found two headstones that the Cemetery Preservation Advisory Board was not aware existed, however the Genealogical Society had documentation of the burials. Work ceased on the property and County departments were notified. The owner submitted a CPAB Review Form this October and has been working with Ms. Burgess with respect to the burial site. The owner has added language to the property sales contract for this lot, and has proposed language to be added to the next Deed of conveyance which would allow the heirs of those buried in the cemetery to have access to the site. They are also proposing a 20-foot buffer and fence to be placed around the family burial, and that the owner of the property would have the responsibility to protect and maintain the site. Mr. McCann from Fisher, Collins and Carter stated that he reviewed the Department of the Interiors regulations for upkeep and maintenance of cemeteries and wrote language for the sale contract and deed based on what he found. The property is scheduled to transfer on December 2, 2019. The contract purchaser is aware of the existence of the burial site, and is in agreement with the language proposed by the developer regarding maintenance and access.

Mr. McCann provided presentation materials to the Board detailing the cemetery discovery letter sent to the Maryland Attorney General, the CPAB Review Form, supplemental letter from the applicant providing

information regarding events that have transpired since the discovery of the grave markers, proposed deed language outlining a preservation easement around the grave markers, a vicinity map, and a location drawing exhibit detailing the distance of the grave markers from the property line.

Mr. McCann explained that while two headstones were found on the property there was potentially an unmarked child grave, and to respect the cemetery the applicant proposes creating a 20-foot buffer around the cemetery as opposed to the required 10-foot buffer recommend by Department of Planning and Zoning's Land Development codes. Mr. Dorsey suggested the applicants review the Cemetery Preservation Guidelines found on the Coalition to Protect Maryland Burial Sites website and to consider the recommendations for cemetery preservation and maintenance before finalizing the language of the deed.

Alan Whitworth, a family descendant of the Scrivnor's, said he had only found out about the subdivision and sale of the property on Friday, November 8, 2019. Mr. Whitworth said he was never contacted by the applicants and is concerned about how quickly the development and sale is moving. Mr. Whitworth said that the property has ties to the Civil War and is rich with Howard County history.

Mr. Bennett asked how many square feet make up the size of the parcel, Lot 4. Mr. McCann said the parcel is more than 3 acres. Mr. Whitworth indicated concern about the septic installation upsetting the cemetery plot. Ms. Burgess asked if the new house would be built in the same location as the existing house. Mr. McCann confirmed the new house would be built in the same location as the existing house.

Mr. Whitworth said to his knowledge from his mother there were slave quarters located on the property and potentially slave burials on the lower eastern side of the property around Lot 1, and expressed concern that there could be a legal battle later on if his descendants are unable to enter the cemetery as properties are known to change hands.

Debra Radcliffe-Borsch, another relative, said the property was bought from their family in 1965 when Mr. Whitworth was about 2 years old, and sold to the Shepherds. The property was willed to the Shepherd's daughter, who sold the property to Mr. Greenfield. Ms. Radcliffe-Borsch said that it was her understanding that her parents had an agreement with the Shepherd family that they would maintain the cemetery, but that the agreement was not in writing.

Mr. Bennett said that while he agreed the process is moving quickly, the developer has done a good job since locating the cemetery. Mr. Bennett commented that a 20-foot buffer around the known burials is a generous gesture, but asked if the owner has considered ground penetrating radar as part of their due diligence process. Mr. Bennett asked if there was evidence of other burials on the land besides hearsay.

Ms. Radcliffe-Borsch said there is census data from the 1800's that mentioned slaves being on the property, but as was common it only listed the number of people and no names. Ms. Larney asked if there was any evidence of where the slave quarters were located on the property. On the blown-up vicinity map provided by Fisher, Collins and Carter Mr. Whitworth indicated that Lot 1 previously had two shacks possibly slave quarters, but there are no remains on the property to indicate a location.

Mr. Bennett asked what the family's criteria is for how or what should be put in place to successfully develop the property and preserve and protect the cemetery. Mr. Whitworth suggested that the entire property should be bought by the county and converted into park land that would be maintained by the County. Ms. Burgess explained that even if the County owned the land, it did not guarantee ongoing maintenance when the County already owns more than a dozen cemeteries within open space. Ms. Larney asked Mr. Whitworth if it helped him to know that the area where he remembered hearing the slave quarters were once located is part of the preservation easement area, and that once it was recorded on the plat as preservation it would stay in

preservation. Mr. Whitworth said that he heard of people in agricultural easements getting out of the easement's years later. Ms. Burgess told Mr. Whitworth that she oversees Agricultural Preservation for the County and that there has been no parcel with an agricultural preservation easement that has left it since the start of the easement program.

Ms. Larney asked the Board how they would like to proceed. Mr. Dorsey suggested ground penetrating radar be used on the area to confirm the location of the burials, and if any others were in the nearby area. Mr. Bennett suggested contacting Howard Community College as they may have interest in helping the owner with ground penetrating radar. Ms. Larney asked about the topography of the site, and if there are trees in the area. Mr. Greenfield said the site was flat, with no trees. Ms. Larney said that these are considerations for the use of ground penetrating radar, and that a level site with no trees is an easier site to survey. Mr. Greenfield asked if the recommendation is for the entire property be reviewed with ground penetrating radar, which would be cost-prohibitive. Mr. Dorsey said on other sites, the ground penetrating radar was only used in close proximity to the known burial sites. Mr. Greenfield indicated that he had no objection to paying the expense for the ground penetrating radar as long as it was not for the entirety of the property.

Ms. Burgess noted that the cemetery will be added to the County's cemetery inventory and approved through Council. Ms. Larney asked what next steps were for the site. Ms. Burgess said the plan would be reviewed by the Land Development division to see if the changes need to go through the redline revision process or new recordation. Currently the plans are on hold right now as Land Development will want to review the Board's minutes and recommendations.

Ms. Larney asked the Board if they felt they had enough information on the property to make a recommendation at this time, and the vote was that more information is needed. Mr. McCann asked if changing the language in the deed to indicate the maintenance is the property owner's responsibility, but the heirs have the right to perform cemetery maintenance would help. Mr. Whitworth asked the Board to allow him more time to investigate the genealogy and the property. Mr. Bennett asked for the Board to have a special meeting in December to continue the review. Ms. Larney suggested the owner seek legal counsel to ensure all legal requirements were met prior to the sale of the property. Ms. Larney recommended that any special meeting be scheduled more than 30 days after the meeting today to allow the parties time to work on the issues, and hopefully to come to an agreement. Ms. Larney suggested to the heirs that having the cemetery in private ownership with a written agreement as to access and maintenance while retaining rights for the heirs to maintain the burial site may be something that they want to consider.

Mr. Bennett moved that the Board convene for a special meeting on December 17, 2019 for 5020 Ten Oaks Road. Mr. Dorsey seconded. The motion was unanimously approved.

Other Business

Ms. Kelly provided Ms. Burgess with pictures for cemetery files of the Fuller-Kane-Smith cemetery, Francis cemetery and said she was trying to get into contact with the McKenzie developer.

Ms. Burgess said she received an update from Eileen McGuckian from the Coalition to Protect Maryland Burial Sites and their annual conference will be on May 2, 2020 from 9am-3pm in Havre De Grace. Ms. Larney is on the Board and is helping with the event.

Ms. McGuckian shared that Preservation Maryland's six-to-six projects help to get advocacy or restoration for different projects in Maryland. Stacy Poulos from Anne Arundel County put in an application for cemetery advocacy and a workshop was held in October. Forty-five people were in attendance to learn more about cemetery surveys.

Ms. McGuckian requested Ms. Burgess remind the Board of the ongoing efforts to contact the States Attorney's around the state for information regarding abandoned cemeteries and statistics on how frequently they are contacted regarding disinterments and reinterments.

Ms. Larney shared that at the CPMBS meeting on Saturday November 9th, a discussion was held regarding the PRINCE Project, and challenges with finding an organization willing to take the lead on managing the project as the organization that would be in charge of the project dropped out. Ms. Larney said that due to many details that needed to be considered, the CPMBS moved the discussion to the next quarterly meeting in hopes that Mr. Zinner could be present as he is the expert on this program.

Ms. Burgess had asked Ms. McGuckian if there is any proposed legislation this year for preservation or maintenance of Maryland's historic cemeteries. Ms. Burgess was told that education is a big part of this current session of the legislature, so nothing new is being requested of the legislature during this session. The CPMBS will move forward with advocacy and will revisit legislative changes in the near future.

Ms. Farnsworth asked about progress on her application to join CPAB, which she submitted to the Office of the County Executive in August 2019. She said she received a confirmation receipt from Kim Pruim, Director of Constituent Services and Community Partnerships to the County Executive but has not gotten any further information. Ms. Kelly was appointed to the Board after Ms. Chaney Farnsworth's application. Ms. Burgess said she will contact Ms. Pruim to follow up on Ms. Chaney Farnsworth's application.

Mr. Dorsey recognized the passing of Barbara Sieg [October 24th], who was the founder of the Coalition (CMPBS) and was solely responsible for the protection and care of Whipps cemetery before the Friends of Whipps Cemetery and Memorial Gardens, LLC took over care.

Mr. Dorsey moved to adjourn the meeting. Mr. Bennett seconded. The meeting was adjourned at 11:35 am.

Next meeting: Special Meeting regarding the Ten Oaks property - Tuesday, December 17, 2019 at 10am in George Howard Building.