

**Testimony – Eileen McGuckian, president, Montgomery Preservation Inc.
Montgomery County Council FY19 Operating Budget Hearing – April 11, 2018**

I am here to support funding for the Montgomery Planning position that will activate the two burial site laws that you unanimously passed last October. These new laws will help to protect and preserve cemeteries throughout Montgomery County. They are needed because not everyone respects the evidence of our past. Burial sites have been ignored, vandalized, pretended not to exist, plowed under, neglected, and abandoned for too long. Montgomery County cannot implement the laws without this planning position.

MPI's project to revisit the original cemetery inventory is going well. More than a hundred volunteers have been trained and are in the field verifying locations, taking photos, and observing conditions at 320 sites identified in our county. Some volunteers are conducting additional research as well. The use of modern technology is a priority that we share with the Planning Board.

The Historic Preservation section has a new supervisor who, like her predecessors, is educated, wise, and compassionate. She has a small, excellent staff of preservation planners and architectural historians who deal with matters above ground. Currently, applicants may hire a cultural resources firm to conduct research and suggest what to do on their land. When a developer comes in, preservation staff asks whether Master Plan or Locational Atlas status, then comments on impact to the resource. Sometimes, staff uses funds from a consultant budget because there is no archaeologist on staff.

Now a proper archaeology professional is needed in Montgomery Planning – with expertise to review certain types of basic data to verify the existence of a burial site and its location, and experience in assisting it to survive in the future.

Predictability is important for everyone involved, as is consistent review at local government offices. The property owner and the developer have interests – both ethical and financial – in knowing whether and where burial sites may be found. The archaeologist will help manage the program, respond to subdivision and development applicants, neighbors, and the public, and provide an intersection of rules for other government offices at all levels... such as the County's Department of Permitting Services and Department of Transportation, the State's Attorney, and the Maryland Office of Cemetery Oversight.

The new burial sites position will assist those who develop farms into building lots, owners needing conservation information, descendants who want to save their ancestral connections. This budget item will provide a dedicated professional who will help them, to be a steady presence in the office... to serve as the go-to person for County cemeteries.

Montgomery will join other Maryland counties in establishing this position. Individuals who serve as this POC in nearby jurisdictions describe situations where their knowledge and availability have been instrumental. They point first to the need for a cemetery inventory, which identifies known and undocumented sites that might eventually be impacted by development. People who have lived in communities for a long time know about these sites and are more willing to talk with a planner who understands cemeteries.

Archaeology planners state that developers and landowners quickly learn to think about cemeteries when planning subdivision and development projects, and they become versed in Maryland law that requires respect for human remains. These planners believe valuable resources would have been lost without their cemetery surveys and the archaeological regulations. *“Developers usually do not stop their project if they accidentally come upon human remains. With the large machinery that is used today, people probably would not even see these things to begin with.”* In one recent case, an African American congregation submitted a development plan to build a new church. Their consultant archeologist thought graves in an area of trees and dense ground cover were a small family cemetery. The archeology planner coordinator suggested a Phase I survey that determined this cemetery was actually the site of a small Catholic chapel in operation from 1776 until the 1830s. The parties agreed to monitor the area closest to what is believed to be the boundaries of the cemetery in case any burials may be present.

With laws in place, a preservation oriented planner, like one who handles a particular area of the County or a design review area, provides a service and expertise to the applicant and other agencies when it comes to accountability, record keeping, and consistency of information. If a development plan or inquiry comes in, they look specifically for the involvement of historic properties or burial sites. The person also reviews permits, consults with other planners, and coordinates any review that requires other oversight. The person also keeps the important paper trail, especially if litigation or other legal remedies are necessary. In the worst situations, they would also navigate the world of enforcement and resolution.

The cemetery inventory is a planning tool that requires someone with the knowledge to maintain and use it. Being practical, this fits as part of the larger development process, just like environmental or design review areas. A County would not be without someone responsible for landscaping, storm drain management or flood plain review; why shouldn't there be someone reviewing cemetery preservation?

A few examples to show burial site situations that exist throughout our County:

District 5: “Unknown African American Family Cemetery” listed as ID #248 on the Montgomery County Cemetery Inventory is on a residential lot on Batson Road in Spencerville. A decade ago this property was the subject of a request for a Special Exception for a 16-bedroom elderly residential facility. Documents indicate concern about numbers of residents and staff, parking and driveway, storm water management, sediment control, privacy fencing, etc. The owner/developer showed the small burial site on a site plan, but no reviewer picked up on this and there is no mention elsewhere. A recent MCCI Revisited volunteer found historic information about likely individuals buried there, the overgrown lot advertised for sale, and etched fieldstones still in place.

District 4: Carmack Family Cemetery, ID #258 at site of the WTOP Transmitter Station in Wheaton. The burials were last seen decades ago, but could have been saved with responsible eyes watching the development process.

District 3: Briscoe Family Cemetery, ID #246 in Gaithersburg. The site was buried under the parking lot for Quince Orchard Shopping Center, which was constructed in the 1970s.

District 2: Two tales: One is an ongoing, difficult saga at **Zachariah Waters Family Cemetery, ID #219** in Germantown. It is located in a large farm field on a property where development is in schematic stage. Germantown Historical Society has worked with every owner to recognize and fence in the graves of this Revolutionary War soldier and his family. Montgomery County DOT, creating a road overpass to accommodate local commercial plans, paid for a radar survey that identified more burials outside the fence. The other is **Shaw Family Cemetery, ID #168** near West Old Baltimore Road in Clarksburg. Cabin Branch Neighborhood/Winchester Homes identified the cemetery as an important feature within its new development and is protecting it with fencing until and while that area is under construction.

District 1: Multiple stories here:

Tobytown Cemetery, ID #178 in Potomac. The site is designated on the Master Plan for Historic Preservation. The owner needs treatment and delineation advice, as well as approval from the HPC for any changes such as fencing.

Darnestown Presbyterian Church Cemetery, ID #76. Also on the Master Plan, but HPC only reviewed changes to the church building, not relocating graves within the cemetery.

White's Tabernacle, Moses Cemetery, ID #327 in Bethesda. Everyone knows the sad history of this burial ground, with some graves relocated and others remaining under a parking lot.

In conclusion, this position is a Planning Department priority because it will assist all developers, planners, and reviewers to conduct their work. It is endorsed by the County Executive because he knows that too many burial sites have disappeared. It is urged by citizens from all corners of our County who signed the petitions that I now pass along to you. I counted close to 400 signatures.

Thank you for your consideration.

P.S. I am pleased to report that new State cemetery preservation legislation was unanimously passed in the 2018 General Assembly session. Recognizing the need for stronger protections, we now have better access, requirement to consult with experts about treatment, and authority for counties and municipalities to encourage cemetery restoration with a tax credit.

MONTGOMERY

PRESERVATION

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To Promote the Preservation, Protection and Enjoyment of
Montgomery County's Rich Architectural Heritage and Historic Landscapes