



HOWARD COUNTY CEMETERY PRESERVATION ADVISORY BOARD

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Administered by the Department of Planning and Zoning

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MARCH 2017 Minutes

Tuesday, March 21, 2017; 12:00 p.m.-1:30 p.m.

The bi-monthly meeting of the Cemetery Preservation Advisory Board (CPAB) was held on Tuesday, March 21, 2017 in the Ilchester room at 3430 Court House Drive, Ellicott City, Maryland.

- Members Present:** Liz Larney, Chair; Mike Bennett; Fred Dorsey; Edward Glawe; Chip Plitt
- Absent:** Dottie Moore, Matthew Smithson
- Staff Present:** Beth Burgess, Ken Short, Yvette Zhou, Cynthia Peltzman
- Public:** Dario Broccolino, Howard County State's Attorney; Jerry Rushing and Ronnie Brown , Savage Community Cemetery; Debbie Rappazzo, Acting Executive Director for Maryland Office of Cemetery Oversight; Ruth Anne Arty, Maryland Board of Morticians & Funeral Directors; Eileen McGuckian, President of Coalition to Protect Maryland Burial Sites, Inc.

General Topics

Disinterment Process with Howard County State's Attorney

Mr. Dario Broccolino, Howard County State's Attorney, explained the majority of disinterment requests are for individuals whose family move out of state and want the remains of their loved one to be relocated together. He said the request from the Elm Street Developer is different since it involves at least nine remains. Mr. Broccolino is unsure why States Attorneys are being involved in this process since the role of the States Attorney is to only prosecute cases of people who are guilty of crimes and not issues regarding zoning. Ms. Cynthia Peltzman said the State's Attorney oversight is often regarding disinterment requests for murder investigations which is very different from Elm Street Developers.

Mr. Broccolino said the Elm Street Developer's letter requesting disinterment complied with the requirements and he has no objection for them to proceed with their request. He would need a good reason to object to a disinterment.

Ms. Burgess referred to Maryland Law 10-402 subsection 6 that states "The State's Attorney may authorize the removal of the human remains from the burial site after receiving proof of the publication required under paragraph 1 of this subsection; and 15 days after the date of publication." She asked why the State's Attorney letter dated 2015 and 2016 was submitted before the proof of publication occurred and if the Department of Planning and Zoning (DPZ) is required to have copies of such publications for records. Mr. Broccolino replied he does not require proof of publication to be submitted and trusts the person will follow all the requirements.

He said the Developer of Redd & Sipes satisfied the advertisement in The Baltimore Sun. Mr. Mike Bennett said in his case, the letter and copy of the advertisement are sent from the cemetery where the remains will be reburied permanently. The documents are required by Maryland Office of Cemetery Oversight. Ms. Burgess said currently there is no standard request form for disinterment, just a written request. She stated it may be helpful to have a standard form stating what is required.

Ms. Liz Larney asked Mr. Broccolino how he evaluates disinterment requests and if he has a standard in which to raise an objection. He said the newspaper advertisement is to see if any family members may come forward to object to the disinterment and that he has no set process. Unlike some other State's Attorneys who do not review the letters, he reads each letter and does not like to delay the process.

Mr. Fred Dorsey said there are no criteria for an individual's request to relocate another individual who is a family member. Mr. Broccolino said he would need a good reason to object to the request. Otherwise he would issue a letter to proceed. Mr. Dorsey asked if there is a set of requirements guiding the State's Attorney's decision making process for disinterment requests. Mr. Broccolino said there are none currently that he is aware of.

Ms. Larney asked if objections from a public citizen or family are taken into consideration. Mr. Bennett said the circumstances may be difficult because many families want burials to take place as soon as possible for emotional closure. Ms. Peltzman said the statues also states who can make disinterment request such as children, siblings or other family members. Mr. Dorsey asked if there is no living family member who else can object to the disinterment. Mr. Broccolino said it is up to organization like the Cemetery Preservation Advisory Board to voice their concerns. Although he is sympathetic, it is not a reason to stop a developer from disinterment of remains. Ms. Larney said there should be a different evaluation process between a developer who discovers burials on the property after the land was purchased compared to a developer who knew existing burials before purchasing land. Mr. Broccolino left the meeting after this discussion.

Cemetery Restoration Grant Allocation Results

Ms. Burgess announced the 2017 Cemetery Grant Results below. The recipients will complete the proposed work this spring/summer then submit their cancel checks, itemized invoices and complete a payment reimbursement form to receive their grants from the Genealogical Society.

For grant outreach efforts, 80 cemetery owner's contacted: 80 mailed, 10 email, 5 cemeteries submitted application requesting \$10,625 out of the \$28,251.80 cost of the projects.

Site #	Cemetery Name	Cemetery Location	Total Cost of Project	Amount Request	Amount Granted
9-2	Bowling Green Farm	1485 Underwood Road Sykesville, 21784	\$3,431.80	\$1,700	\$1,000
14-3	Oak Grove	Route 97, Glenwood	\$17,000	\$5,000	\$1,500
24-1	St. Paul	8749 Frederick Road Ellicott City, MD 21043	\$4,200	\$2,100	\$1,500
24-2	VFW	4225 VFW Lane Ellicott City, MD 21043	\$1,920	\$960	\$500
24-4	Whipps	3651 St. John's Lane Ellicott City, MD 21043	\$1,700	\$850	\$500
Grant Amount Allocated					\$5,000

The Recipients are:
 Oak Grove \$1500
 St.Paul \$1500

Bowling Green Farm \$1000
VFW \$500
Whipps \$500

Cemetery Updates:

Redd & Sipes; Elm Street Development Update

Ms. Burgess showed a site plan with 42 single family lots. The pink highlighted area indicated the location of the Reimensneider burials located on lots #33 and #34 where nine confirmed remains from the mid 1800's have been identified through ground penetration radar and archaeological studies. Mr. Van Kirk clarified the square on the plan around the cemetery is not a 30 foot setback boundary which is required but rather a highlighted area noting an inset zoomed in to show more details of the burial layout.

Ms. Burgess referenced section 16.118-Protection of historic resources and shared the Planning Board will meet on March 30 to provide their recommendation about Elm Street Development's request for disinterment to DPZ's Director, Mr. Val Lazdins, who will make the final determination. Ms. Burgess asked CPAB if they have comments to submit prior to the Planning Board meeting or if anyone will testify at the meeting. The Board has written a letter requesting the family cemetery remain on site. This letter was sent to the DPZ Director who will make the final decision on this alternative compliance. Ms. Burgess asked if CPAB wants to send additional comments to Mr. Lazdins about the Board's position. Ms. Burgess said Mr. Lazdins believes that cemeteries should be respected and not in locations where they may not be well maintained or will become a nuisance but that he has not made a determination at this time for this site and is waiting for the Planning Board recommendation.

Mr. Van Kirk said they are the contract purchasers of the land where the burials have been identified. The land is zoned R-12 and is on 15 acres. He presented the following information: The site consisted of two land parcels, one owned by Redd and the other owned by Sipes. Previously, the owner Mr. Redd and Dorchester Homes were ready to build homes on the property but Mr. Redd passed away. His daughter Rhonda Redd now owns the property. Elm Street Development will only develop the site with Redd and Sipes land together. There was no indication of a cemetery when Elm Street purchased it. Mr. Van Kirk stumbled on a headstone during a site walk in 2015. Mr. Van Kirk contact Mr. Dorsey, Mr. Short and DPZ to further discuss options. Ground penetrating radar was done and Dr. Phillip Hill, a professional Archaeologist, was hired to do trenching analysis. The burial area was divided into several grids and revealed nine (possibly ten total) grave shafts. Mr. Van Kirk site said given the compactness of the site, removing two lots is not a very ideal for the surrounding lot designs. He invited CPAB to come out to the site March 27th or 28th when the southern boundary to the cemetery is to be determined.

Although buyers sign disclosures acknowledging the cemeteries, the presence of a cemetery does not go well from a cultural perspective as many buyers are upset and do not want to purchase a home near a cemetery. Mr. Van Kirk believes in cemetery preservation by relocating the remains into Meadowridge cemetery, a professional well maintained cemetery with all the necessary accommodations to respect these remains. All the remains would be removed with all its enriched soil and placed into vaults in the same north south east west orientation. He said if the remains stay their existing location, they will not be well maintained and have the respect they deserve.

Ms. Larney commended Mr. Van Kirk for his effort. However, she is confused to why a disinterment request letter was sent to the State's Attorney when the engineering work to identify the southern boundary of the cemetery had not be completed at the time. Mr. Van Kirk said the letter was just a

step in the process since there are other components such as transfer permits and DPZ's decision that need to occur.

Ms. Larney asked Mr. Van Kirk if he researched about homes built around preserved cemeteries. Mr. Van Kirk said he has not. He was aware of a community where descendants removed the headstones to a burial, kept all the stone until the area was turned over into the HOA and then returned them in place which was not appropriate procedures.

Mr. Dorsey said the community that Mr. Van Kirk referred to is Moxley burial in the Stratford Community located near Route 29 just before crossing the bridge from Howard to Montgomery County. Mr. Dorsey said he spoke to people in that community and the preserved cemetery area has become a gathering place for the community. There are about 60 school aged children in the community and there has been no vandalism. The homeowner bought the homes with the knowledge of cemetery on their site with no objections. A playground was built adjacent to the preserved cemetery. He notes this as an example and success story to saving a cemetery.

Ms. Eileen McGuckian asked if the HOA is ok with maintenance of the cemetery. Mr. Van Kirk said he set up the HOA and the homeowners do not have a choice to agree or disagree about cemetery maintenance because there were no homeowners at the time of establishment. Ms. McGuckian said it would be better not to move remains since Mr. Van Kirk has other options such as setting aside the cemetery area into a small park. Mr. Van Kirk said the Redd & Sipes property already had a lot of open space in the southern part of the property.

Ms. McGuckian asked what alternative compliance is in zoning terms. Ms. Burgess said it is what waivers used to be but DPZ views alternative compliance as a more appropriate term as there are options to accommodate an issue verse waiving it.

Mr. Dorsey said the CPAB should look into establishing guidelines for HOAs with historic cemeteries on their property helping them understand their obligations and finding resources for maintenance. Mr. Dorsey used the St. Charles Ruins on Frederick Road across from the Doughoregan Manor near Rout 40 as an example of how expensive the ruin was for the community's HOA to maintain and how he helped them find local resources for additional funds.

Mr. Bennett said he believes in cemetery preservation if the graves are maintained well with dignity and respect which is why he is in favor for the Elm Street Developer request to relocate the remains to Meadowridge or another cemetery since it will be a better permanent cemetery.

Mr. Eddie Glawe asked if there were other correspondences from the CPAB about Elm Street Developer's request for disinterment given to Mr. Lazdins and if they will be forwarded to the Planning Board. Ms. Burgess said the CPAB has provided previous comments about the Board's position but since they were addressed to Mr. Lazdin's it should not be assumed that info is forwarded on to the Planning Board. Mr. Dorsey recommended if someone wants to testify at Planning Board on behalf of a group, he or she must have a letter approving their ability to represent an organization.

The Planning Board will meet on March 30 to make a recommendation to DPZ. Ms. Larney suggested the CPAB provide their written recommendations to the Planning Board prior to their meeting. Ms. Larney motioned for the CPAB to make a recommendation to the Planning Board. Mr. Chip Plitt seconded. The motion was unanimously approved.

Ms. Larney motioned for a vote of how many are in favor of granting the disinterment request. Mr. Plitt seconded. Three Board Members voted against disinterment, one voted in favor and one abstained.

Fuller/Kane/Smith Cemetery Property Sale Update-

Mr. Dorsey said the cemetery has eight headstones of a black tenant farmer family. Mr. Dorsey's neighbor works for the real estate company whose is representing the sale of this property where two new homes (approximately 6 acres- to confirm) can be built. He also put together a letter with a copy of the inscription on the headstone and a history about the family buried there along with resources the CPAB provides to potential buyers. If the property becomes an out parcel, Mr. Dorsey will speak to the firehouse next by about possibly maintaining the cemetery.

Other Cemeteries

Savage Community Cemetery

Mr. Jerry Rushing and Mr. Ronnie Brown, the owners of the Savage Community Cemetery, said they have been managing the cemetery since the 1980's and the non-profit was established in 1964. He said they are still an active nonprofit company managing the day to day operations. They are not out of business as reported by concerned citizens. They are privately owned and do have to follow COMAR.

Mr. Rushing acknowledged the management had failures in communication but they recently committed more volunteers and started a Facebook page to improve communication.

Ms. Burgess said the recent concerns brought to CPAB's attention was a citizen who had problems burying a loved one after he did not receive a response after calling the phone number on the cemetery sign. Mr. Rushing said the phone number is an active number and often times he receives inquiries about the burial process which is then referred to funeral directors.

Mr. Bennett asked if Mr. Rushing and Mr. Brown maintained record plots and if the records are available. Mr. Rushing said he did maintain the record plats. Mr. Bennett asked if they charge a layout fee or any fee. Mr. Rushing said they do not charge a layout fee nor any other fee. They are a non-profit organization and only accept donations. Their expenses are to pay for the grass to be cut. They have some volunteers but cutting grass around graves is difficult and needs to be done correctly.

Ms. Burgess showed the Board a photo of a blue car parked on an adjacent property near the cemetery because of infringement concerns. Mr. Rushing said the bus company next door also uses the cemetery road for access instead of staying on their easement but they do help maintain the lane. Ms. Burgess confirmed that property lines on GIS indicated the cemetery driveway was being used by the adjacent bus lot.

Mr. Rushing ended the discussion saying they would be in touch with CPAB on a more regular basis and they will make sure all their paperwork is complete with Maryland Office of Cemetery Oversight.

State Legislation

HB 235

Hearing Feb 7 at 1pm: Abandoned Private Cemeteries – Authorizing a county or municipality, by local law, to establish that unpaid charges made against real property that is an abandoned private

cemetery for specified purposes are a lien on the property; and requiring a county or municipality to take specified actions if the county or municipality determines that a private cemetery is abandoned and in need of repair, maintenance, or preservation.

SB 50

Hearing March 22 at 1pm: Establishing that the owner of a burial lot is responsible for the care of specified monuments or memorials; providing that this Act does not prohibit a responsible party for a cemetery from maintaining or repairing a memorial or monument under specified circumstances; etc.

CPAB had a brief conversation about each Bill and Ms. McGuckian clarified a few points.

Updates

CPMBS Annual Meeting: Ms. McGuckian announced that The Coalition to Protect Maryland Burial Sites(CPMBS) has a new website and invites everyone to take a look. The Annual CPMBS conference will be on April 29th in Lothian, Maryland. It will be a day full of conservation topics and networking with other people.

Zoning Regulations Meetings: Ms. Burgess announced the Howard County Development Regulations Stakeholders Meetings on Wednesday, March 29, 2017 from 10:30am-11:30am in the Ellicott Room in George Howard Building. The theme will be Preservation and Cemetery.

Meeting Adjourned at 1:43pm

Next meetings:

Tuesday, May 9, 2017 at 10am in George Howard Building

Tuesday, July 11, 2017 at 10am in George Howard Building

Tuesday, September 12, 2017 at 10am in George Howard Building

Tuesday, November 14, 2017 at 10am in George Howard Building