



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

August 10, 2023. Updated August 31, 2023

MEMORANDUM

TO: Matthew Folden, Regulatory Supervisor
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FROM: Brian Crane, Archaeologist Planner III
Historic Preservation Program
Montgomery County Planning Department

SUBJECT: **Newman Family Cemetery at Wildwood Manor Swimming Pool and Proposed Forest Conservation Plan**

Introduction

Wildwood Swim Pool proposes to include an area within the pool property at 10235 Hatherleigh Dr containing a cemetery within a Category I Forest Conservation Easement. Historic Preservation recommends approval for the Forest Conservation Plan.

Findings

1. There is a burial ground possibly associated with the family of Joseph Newman (1846 - 1907) on the grounds of the Wildwood Swimming Pool.
2. The graveyard is shown on a 1957 USGS map of the area, as well as a 1958 plan for the pool.
3. Neighbors alerted Montgomery Planning to the possible cemetery in April 2023.
4. Montgomery County Planning requested that the Pool conduct archaeological investigations to delineate the boundary of the cemetery as part of the review process for Administrative Subdivision 620230070.
5. Archaeological investigations conducted by the Ottery Group discovered 13 possible or probable graves in the vicinity of the location indicated on the 1958 plan.
6. Planning Board Guidelines for Burial Sites provide for the Burial Sites Inventory to be updated as information becomes available. The Burial Sites inventory is available to the public via the MCATLAS web map.
7. Montgomery County has added the cemetery location to the Montgomery County Burial Sites Inventory as the Newman Family Cemetery (HP-359) pending Planning Board approval of the addition.
8. Montgomery Planning asked that the location of the cemetery as identified by the archaeological work be added to Forest Conservation Plan F20230180.
9. Historic Preservation worked with environmental review staff to add language to the Forest Conservation Easement that will allow flexibility in treating the cemetery for purposes of visitation and memorialization.

Discussion

The cemetery first came to the attention of staff through interested members of the public. A neighbor contacted the Maryland Historical Trust about a cemetery they had heard about from a previous owner of their home. MHT put the neighbor in touch with Coalition to Protect Maryland Burial Sites who forwarded the contact to Montgomery Planning on April 23, 2023. Historic Preservation staff corresponded with interested current and former neighbors in April and May 2023 independently of any discussion of proposed pool renovations. HP staff met virtually with the neighbor via Teams on April 28, 2023.

The meeting and correspondence focused on neighbor memories about a “slave cemetery” on land now owned by the pool club. A former neighbor who lived adjacent to the pool between 1963 and 1997 remembered seeing what appeared to be possible grave markers on the south side of the pool complex after it was built. Historical maps and archaeological investigations show the cemetery was in the northwestern area of the parcel. It may be that what the neighbor saw was either not related to the cemetery, or an area where the stones had been moved after the pool was built. It is unlikely there are additional graves in this area since earlier maps do not show anything in this location.

No definite grave markers survive in place; it is thought that the graves may have been originally marked with fieldstone markers. Fieldstone markers are large, partially shaped or unmodified stones commonly used to mark graves in the region. The identity of those buried remains unknown but may be associated with the Joseph Newman family. Joseph Newman and his wife Elizabeth purchased the property in 1872. The burial ground may have come into existence after that time, or it may already have been in use as a cemetery. Newman and his wife were African American, and the property they purchased was once part of a larger parcel where people had been held in slavery. One possible interpretation of the site is that it was used as a burial ground for enslaved people prior to emancipation, and that it may have contained ancestors of the Newman family, who could have purchased the land to preserve the graves. There are other examples in Montgomery County where previously enslaved people bought some of the land where they had been enslaved, including the burial grounds of their families. The cemetery remained in the possession of the descendants of Joseph and Elizabeth Newman until the family sold the parcel to Wildwood Swim Club in 1959.

The Swimming Pool submitted an administrative subdivision (620230070) to combine the two parcels they own prior to completing planned renovations. Approval of subdivision plans on parcels containing cemeteries requires that the cemetery be delineated using methods consistent with the Montgomery County Planning Board Guidelines for Burial Sites, and that the cemetery be contained within its own parcel for preservation. Montgomery Planning asked the Swim Club for an archaeological study to delineate the cemetery as part of its review process, and the Swim Club contracted with the Ottery Group, a qualified cultural resources management consulting firm, to do the work. Montgomery Planning had the opportunity to review the proposed archaeological work and staff found that it was consistent with the Planning Board Guidelines for Burial Sites.

Ottery conducted very shallow excavations in the area where the 1958 plan indicated the cemetery. This testing was designed to strip away topsoil and reveal underlying grave shafts

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without disturbing the graves themselves. This method was proposed because the overgrown nature of the site made the use of ground penetrating radar impractical. The work succeeded in identifying 13 possible or probable graves arranged in three rows. Ottery Group prepared a summary report detailing the findings and location of identified graves consistent with applicable Planning Board Guidelines for Burial Sites.

The Swimming Pool withdrew their subdivision plan but proposes to include the area including the cemetery within a Forest Conservation Easement. There are no requirements or guidelines for considering cemetery sites within Forest Conservation Plans; however, the Planning Board Guidelines for Burial Sites Section V.B provide that “these Guidelines would be applied to other regulatory applications and offer best practices for delineating cemetery boundaries, handling of human remains, and burial site preservation and maintenance.” Discussion between historic preservation and environmental review staff focused on including proposed language in the easement that would meet the conservation goals of an easement and allow flexibility in managing the area of the cemetery so that the Pool, potential descendants, or other interested persons could prevent the site from becoming overgrown and allow people to visit, mark, and memorialize the cemetery and those interred there. Including the cemetery within a conservation easement adds a substantially greater level of protection for the cemetery than would otherwise exist. In general, a property owner can obtain the authorization of the state’s attorney for the county for the relocation of graves, after which the area could be redeveloped by the owner. By contrast, a conservation easement assures that the cemetery will be preserved in place.

Recommendation

Historic Preservation staff recommend approval of the proposed Forest Conservation Plan. The restrictions on development within a Forest Conservation Easement will preserve the cemetery in place, while language inserted into the easement will allow flexibility to manage the cemetery site in a way that will allow people to visit, mark and memorialize the site.