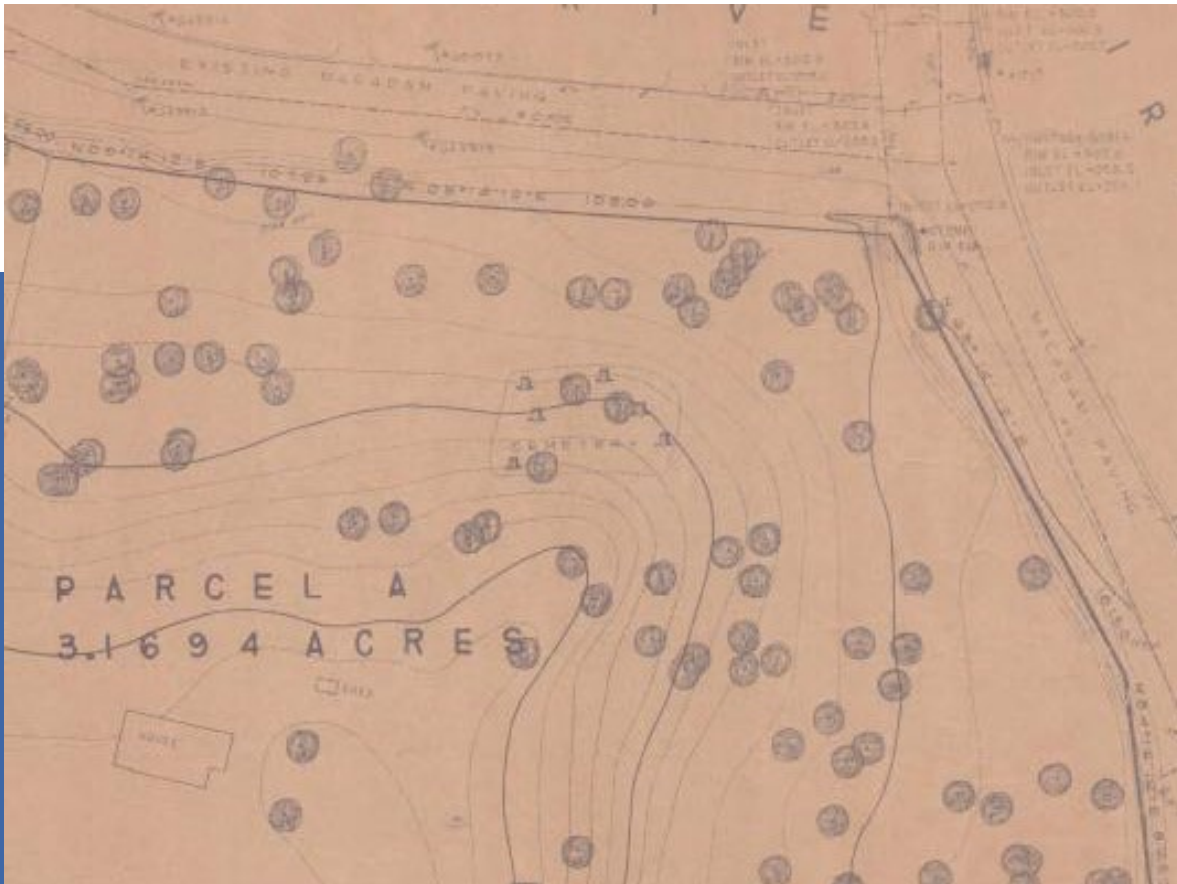


BRIEFING ON AN UPDATE TO THE MONTGOMERY COUNTY BURIAL SITES INVENTORY



Description

The Historic Preservation Program will present an addition to the Montgomery County Burial Sites Inventory to the Planning Board. The addition is for the Newman Family Cemetery in North Bethesda, MD.



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SUMMARY

- Staff recommends that the Planning Board adopt the addition of the Newman Family Cemetery to the Montgomery County Burial Sites Inventory.

Burial Sites Inventory Program

Draft
Planning Board

Date
September 21, 2023

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Planning Board Information
MCPB
Item No. 9

Newman Family Cemetery



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BACKGROUND

The Montgomery County Guidelines for Burial Sites states that “The Planning Board’s designee will update the Burial Sites Inventory, including additions, revisions, and exclusions/deletions, as new information becomes available so that it reflects the most current and accurate information” and that “additions, revisions, and exclusions/deletions shall be presented to the Planning Board annually at a briefing.” The Guidelines also provide that: “in cases where there is a time-sensitive need to revise the Burial Sites Inventory, the Planning Board’s designee will review the evidence for a revision in an expedited manner. If the available evidence shows an addition, removal, or other change is warranted consistent with Appendix A: Guidelines for Cemetery Investigations, then the Planning Board’s designee will recommend that the Planning Board adopt the amendment to the Inventory as a consent item at the next Planning Board Hearing.” This item has been included in the full agenda to give new Planning Board members an opportunity to hear about the addition and the inventory in more detail.

Montgomery County recognizes the significance of cemeteries and burial sites to the community. In 2017, the County Council passed two laws to help preserve and protect these unique and fragile resources. Section 33A-17 of the Montgomery County Code requires the Montgomery County Planning Board to maintain an inventory of burial sites in the county and [Montgomery County Ordinance 18-31](#) (2017) requires that all human burial sites be preserved and protected as a condition of the preliminary plan of subdivision review and approval process. Preservation of these unique archaeological resources will further protect the cultural heritage of Montgomery County. The Planning Board adopted the [Montgomery County Burial Sites Inventory and Guidelines](#) on May 16,

2019. The Planning Department has made these data available to the public via the MCAAtlas webportal.

A burial site is defined in the ordinances as the “physical location where human remains were buried in the earth, or entombed in a mausoleum or columbarium. A burial site includes a cemetery, but does not include the sprinkling of ashes from cremated remains.” The Burial Site Inventory is the list of burial sites officially adopted by the Planning Board, pursuant to Section 33A-17 of the Montgomery County Code (Planning Procedures). It is maintained and updated as needed by the Planning Department’s Historic Preservation Office and consists of a GIS data layer and associated documentation.

The confidence and precision of burial sites in the Inventory varies. Some sites are well documented, or clearly visible on the surface today, and their location was confirmed through field observation. Other burial grounds are known through oral or archival history sources, but the burials have been removed, or the exact location is unknown. Sites in the Inventory are divided into two broad categories:

- Known Sites: Confirmed in the field or through historical research
- Approximate Sites: Exact location and condition unknown

Staff may redact some locational data consistent with the provisions of [Montgomery County Ordinance 18-31](#) if there is reason to believe the site is at risk for damage from vandalism. A location considered sensitive or at risk will be represented by the boundaries of the lot within which it is located, but the location within the lot will not be displayed publicly.

BURIAL SITES INVENTORY REVISIONS

SUMMARY

This update to the burial sites inventory is to add the Newman Family Cemetery to the inventory as a known site. This location is shown on a 1957 USGS map and on a 1958 survey of property purchased by the Wildwood Manor Swim Club in 1959. Archaeological investigations showed that there are at least 13 graves in approximately the same area indicated in the 1958 survey map.

Efforts to refine and improve the information contained in the Burial Sites Inventory are constantly ongoing. The Historic Preservation Office responds to information or inquiries brought to the Planning Department by members of the public and through ongoing research by staff. As required by the Burial Sites Guidelines, the property owner was notified in writing by certified mail about the proposed addition to the inventory.

Normally the Planning Board is briefed once annually about additions to the inventory. This update is out of sequence because it relates to an application for a Forest Conservation Plan submitted to the Planning Department for review.

Staff findings are that:

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).

DISCUSSION

The cemetery first came to the attention of staff through interested members of the public. A neighbor contacted the Maryland Historical Trust (MHT) about a cemetery they had heard about from a previous owner of their home. MHT put the neighbor in touch with the Coalition to Protect Maryland Burial Sites, which 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 independent 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 Wildwood Manor Swim 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 graves on the south side of the pool since earlier maps do not show anything in this location. The neighbor more confidently remembers generalized rumors among neighborhood children that the parcel included a graveyard. Examination of historic maps showed a cemetery is indicated on a 1957 USGS map in the northwest corner of the Swim Club parcel.

Shortly after the cemetery came to the attention of Montgomery Planning, the Swim Club 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*.

Further historical investigations by Ottery located a 1958 survey of the property that shows a cemetery in the northwest corner of the lot, consistent with the USGS map (*Figure 1*). Ottery then conducted very shallow excavations in this area designed to remove topsoil and reveal underlying grave shafts 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 (*Figure 2*). It is possible that additional graves may be present next to those found by the archaeologists. Excavations were designed to identify the boundaries of the cemetery with as little disturbance as possible, not to expose all graves. Ottery Group prepared a summary report detailing the findings and location of identified graves consistent with applicable *Planning Board Guidelines for Burial Sites*.

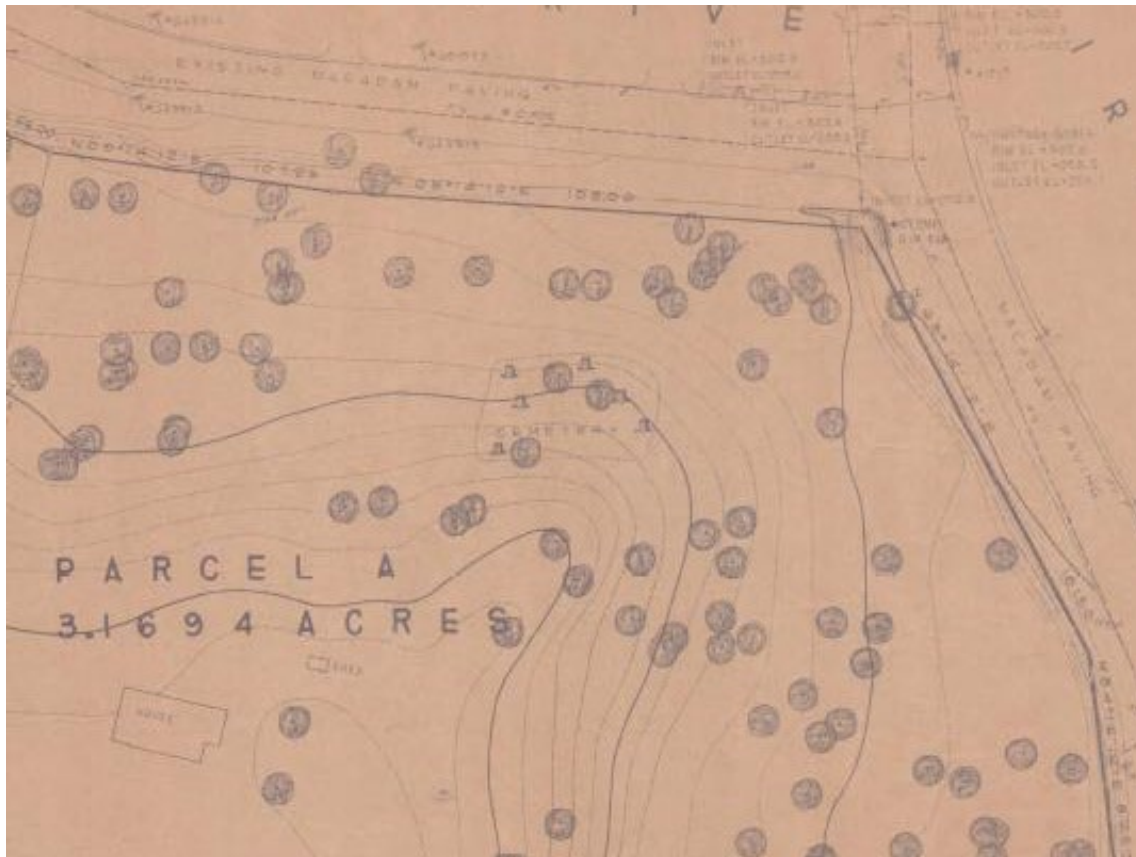


Figure 1: 1958 Survey showing location of the cemetery.

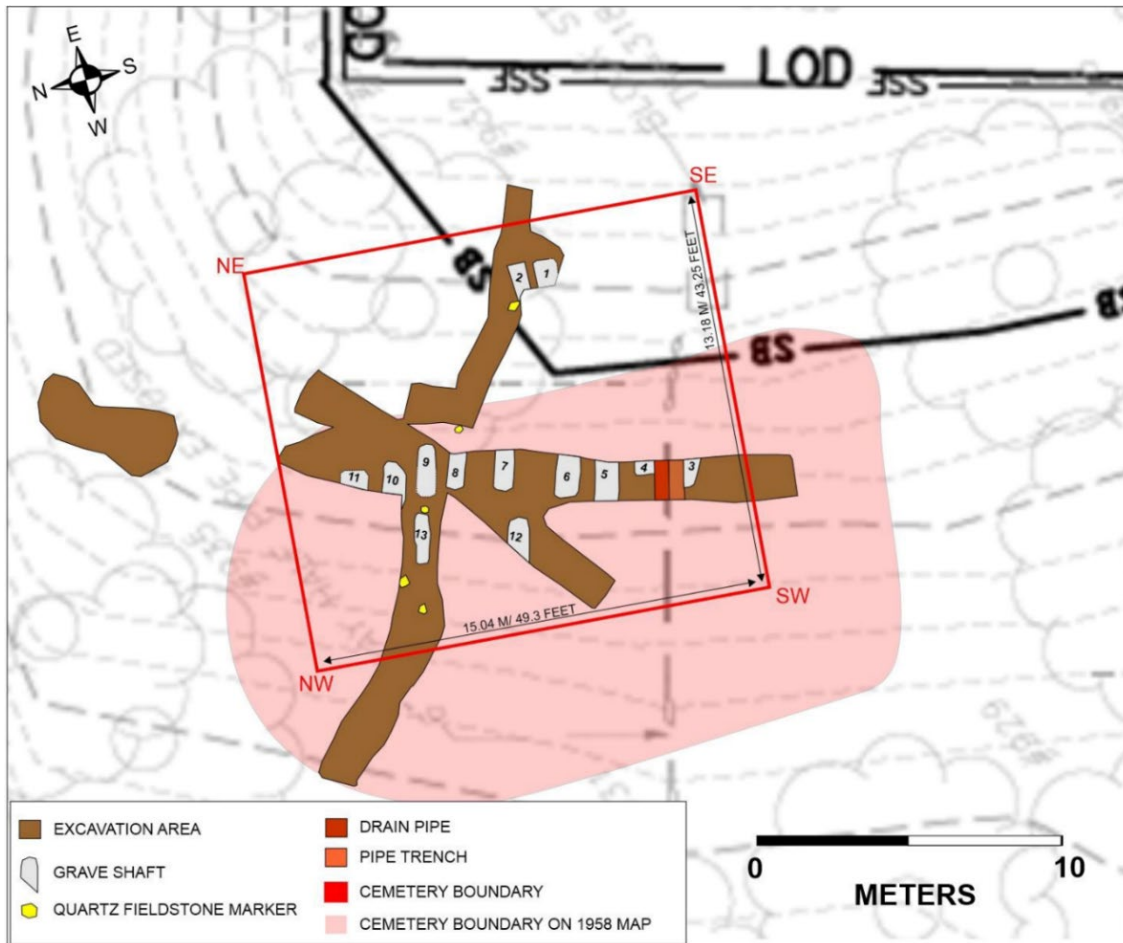


Figure 2: Archaeological Investigations at the Newman Family Cemetery Site.

The Swimming Pool withdrew their subdivision plan but proposed to include the area including the cemetery within a Forest Conservation Easement. Discussion between historic preservation and environmental review staff focused on including proposed language in the easement that would meet conservation goals and allow flexibility in managing the area of the cemetery so that the Pool, 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.

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. Joseph Newman left the northern half of his property containing the burial ground to his brother-in-law, George Rhodes in 1907. The cemetery remained in the possession of the descendants of George Rhodes until his heirs sold the parcel to Wildwood Swim Club in 1959. That the cemetery was recorded on maps of the area

in 1957 and 1958 suggests that the family may have taken steps to ensure that the site would be preserved prior to selling the land.

The burial ground may have come into existence after 1872, or it may already have been in use as a cemetery. The descendants of George Rhodes appear to be buried elsewhere (Lincoln Park Cemetery, and Arlington Cemetery), but the burial sites of Joseph Newman and his immediate family are unknown. 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. No definite grave markers survive in place; 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. One possible interpretation of the site is that it was used as a burial ground for enslaved people prior to emancipation. According to census records, Joseph Newman was born in South Carolina, but his wife Elizabeth was born in Maryland. It is possible that the site may have contained her ancestors, and the family 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.

OUTREACH

Historic Preservation staff communicated the proposed addition of the cemetery to the Burial Sites Inventory with the neighbors who originally brought attention to the site, and with the Coalition to Protect Maryland Burial Sites and Montgomery Preservation, Inc. Historic Preservation staff also performed historical research to find potential descendants of the Newman family. Research began with the names in the 1959 deed from descendants of Joseph Newman's brother-in-law George Rhodes to the Swim Club in 1959. This led to finding a March 2000 obituary for Edmonia Rhodes (1908-2000, a grandniece of Joseph Newman) that lists numerous surviving family and their hometowns. Staff reached out to Mt. Zion Baptist Church in Washington, DC and to Snowden Funeral Home (both involved in the services for Edmonia Rhodes, and for one of her daughters who died in 2022) to ask if they could contact family members and ask them to contact the Planning Department. As of this writing, Snowden funeral home said that they would contact one family member. Staff have not yet heard from the church or descendants.

ATTACHMENTS

ATTACHMENT A: BURIAL SITES INFORMATION FORM