

HISTORIC PRESERVATION COMMISSION

Minutes of the meeting held on March 22, 2007 at the Department of Land Use and Growth Management

Members Present: Hal Willard, Chairman
Jim Grusholt, Vice-Chairman
Rob Gibbs, Member
Mary Hayden, Member
Ruth Mitchell, Member
Bill Farrar, Member
Peter Himmelheber, Past Chairman
Teresa Wilson, LUGM Staff
Charles Hall, PhD., Terrestrial Archaeologist,
Maryland Historical Trust.

Call to Order: The meeting was called to order at 4:00 p.m.

Approval of Minutes: The minutes of the February 22, 2007 meeting were approved as written.

Introduction of Speaker: Mr. Willard introduced Dr. Charles Hall, terrestrial archaeologist at the Maryland Historical Trust.

Summary of Dr. Hall's Presentation: Integrating Consideration of Archaeological Resources with Historic Preservation and Land Planning

Thank you for inviting me to speak to your Commission. I want this talk to be more of a dialogue, so feel free to interrupt and ask questions.

The topics I will consider are: placing archaeology in the context of historic preservation, historic preservation legislation at all levels, Maryland programs that consider archaeology outside of standard preservation ordinances, and dispelling myths about archaeology as a "controlling authority."

There are forty-seven historic preservation ordinances in Maryland at the county or municipal levels. Every one includes language requiring the consideration of archaeological sites as well as of architectural resources for protection. This also includes folklore, historical collections, and other forms of material culture.

However, historic preservation commissions do not always direct active attention to archaeological resources because local inventories are usually tied to architectural resources, which can be seen by all to reflect architectural movements, cultural trends etc. Archaeological resources are very different because they are hidden and difficult to find. When four special skills are required to interpret them. But the value of archaeological sites lies in their ability to tell "behavioral stories." They also tell us about people whose lives were not included in conventional histories. The public is attracted to archaeological resources because they can see and touch the artifacts, which draws them into the history.

So the basic problem with historic preservation ordinances as they are written today is that they are tied in with structures. Grants pay for documentation of historic structures. It is not possible to survey an entire county for archaeological resources in the same way as structures are surveyed. Survey of archaeological resources begins with examining map resources, and aerial photographs to determine where resources could be located. This is called predictive or sensitivity modeling. Maps can be produced that are coded to indicate the most and least likely locations for archaeological resources. These places are usually near sources of potable water, on slopes with less than a 10% grade, on well-drained soils, for example.

Beginning to consider archaeological resources in a historic preservation and land planning context can begin with the creation of such a map.

Existing Reviews in Maryland Counties

How do two nearby counties treat archaeological resources? Calvert County happens to have a historic preservation planner who is also an archaeologist.

She is able to review plats and consult archaeological surveys to determine if there are resources on proposed developments. She then makes her comments to the planning department and on some occasions requires a Phase I survey to be carried out.

Anne Arundel County has hired archaeologists who work full time on the Londontown project. They are part of the Anne Arundel County Planning Department and comment on proposed development projects. Anne Arundel County does not have zoning that requires developers to perform archaeological surveys, but the archaeologist reserves comments for large projects. If he suggests that a Phase I investigation is necessary, he prevails on the developer to pay for it. This approach works at the moment with this person, but since there is nothing in the zoning ordinance, it will not permanently create consideration of archaeological resources in the planning process.

Question from Ms. Wilson: So the Anne Arundel County archaeologist looks at the plats or site plans, and if he thinks there may be resources, he requests a survey.

Dr. Hall: That is correct, but as I said the process is tied to him. A better approach would be to have a contract reviewer.

Prince George's County and Frederick City have incorporated consideration of archaeological resources into their ordinances.

The Prince George's County ordinance was enacted through the efforts of their Historic Preservation Commission. They were concerned that African American cemeteries from before and after the Civil War, often unmarked, were being destroyed by development. Now graves and other archaeological sites must be considered during the planning process.

The Frederick City ordinance is tied to sediment and erosion control permits. This is because the city is mostly developed already and new development is mostly re-development. The ordinance governs 5000 square feet of disturbance, which does not involve homeowners, but looks at larger development projects.

So how could a review position be funded at the local level? A part-time position could be established using funds from permit application fees. The Maryland Historical Trust is going to lobby the legislature to re-establish the Preservation Incentives for Local Government Grants. If they are successful funding will be available to establish these types of positions in counties. The funding would decrease each year until the counties fund them completely.

The resources available to the counties for archaeological review:

Maryland Historical Trust can provide site locations.

Maryland Historical Trust library is available.

Maryland State Highway Administration has some duplicate copies of its surveys in St. Mary's County that it will provide.

Others will be available at MHT or SHA.

Archaeological Review by State and Federal Departments

In all the Maryland Counties the State Highway Administration, and sometimes the Corps of Engineers, conducts reviews when state or federal money will be used on projects that have potential impact on archaeological resources. It is important to remember that not every project triggers an archaeological review.

For example, the State Highway Administration looks at 400-600 projects a year, but in one year conducted reviews on 20-25 sites. Of those only 5 were determined to be significant enough to merit intensive investigation.

One reason many sites are not investigated is that they have been so badly damaged by plowing, erosion, construction or natural decay that they no longer contain artifacts. Another reason is redundancy; after initial testing it is determined that the sites contain information that has already been obtained, so there is no need to excavate.

Levels of Archaeological Review

Archaeologists conduct reviews at three levels: Phase I, Phase II, and Phase III.

In Phase I, nine to ten shovel test pits are dug per acre. If the materials in the test pits are similar to that found on other sites, no further excavation is conducted.

If Phase I test pits contain unique materials or have the potential to add new knowledge about Maryland history to what is already known, then a Phase II investigation is initiated. This involves recovering and removing the artifacts for study.

If during the Phase II investigation if highly significant findings are located, a Phase III investigation with extensive digging and recovery is conducted.

Note: Very few reviews go beyond Phase I.

Question: How are reviews conducted for known sites, as opposed to unknown sites?

In both cases, the archaeological reviewer looks at the erosion patterns, previous development on the site, proximity to potable water, and other factors that may indicate the presence of resources. By looking at plans, the locations of resources can be narrowed even further to a few spots. The usual recommendation to the developer is to avoid these locations. If that is not possible, then a Phase I investigation would be required.

Discussion and Questions

Mr. Willard: When I was on the Planning Commission and we were reviewing plans for Myrtle Point Park, we were told that we could not be given the location of archaeological sites on the park. How could we know if the proposed plan avoided the resources? I am assuming that the contractor who created the trails etc. was given the information, but we were not.

Dr. Hall: This was unfortunate. Planning commissions, planning departments, and historic preservation commissions all allowed access to this type of information. The misunderstanding dates back fifty years, when the location of archaeological resources was not divulged to prevent scavenging. Even today the Maryland Historical Trust does not give that information to individuals, but governmental entities and land owners can obtain this information.

Mr. Himmelheber noted that many Civil War buffs ask him if he knows the location of sites.

Dr. Hall: The biggest problem we have in the United States is looting of Civil War archaeological sites. When I worked in South Carolina, sometimes actual graves of Civil War officers were opened by people looking for swords. In Virginia some people offer money to landowners to gain access to land where they believe there may be Civil War sites. Unfortunately, we can not prevent owners from opening their property if they choose to.

Ms. Wilson: What steps would need to occur to establish archaeological review here?

Dr. Hall: Public presentations about the importance of archaeological resources would be a good place to start. I am aware that the Historic Preservation Commission is working on locating family cemeteries, and protecting these could be the basis for advocating for archaeological review. Getting the local chapter of the Archaeological Society of Maryland help with education and advocacy could be another step. The HPC could invite local professional archaeologists to form a working group to discuss how best to incorporate archaeological review into zoning regulations. There are many fine archaeologists here like Silas Hurry, Robert Hurry, Julie King, Ruth Mitchell, Henry Miller, and Tim Riordan working here who could offer advice.

Ms. Wilson: When the time comes would it make sense to submit suggested zoning changes and request a part time archaeological review position at the same time?

Dr. Hall: People should understand that there is a public cost for part of the review, but developers pay for phased investigations.

Ruth Mitchell: If resources need further study/removal how are developers required to pay the costs?

Dr. Hall: I think that the circumstances that would require Phase II or above would be very rare. Requiring review only of large developments, and on individually owned private property only when there is a high probability of resources is a possible approach.

Ruth Mitchell: Are many of the larger developers firms from outside the county?

Ms. Wilson: Many are, but some are local.

Dr. Hall: Perhaps a first step could be to apply to the Maryland Historical Trust for a grant to create a county map that indicates the areas with the highest probability for archaeological resources. With a map even small projects with a high probability of resources could be investigated, and landowners urged to plan their project to avoid the area.

Peter Himmelheber: We need to protect cemeteries like the one on the site of Red House Church near Laurel Grove. We can use existing State laws.

Dr. Hall: That is correct. If a developer uncovers graves, he is required to stop work and notify the State's Attorney and the Health Department. I think developers would much prefer to know the location of cemeteries in advance, so that they can be avoided entirely.

Ms. Wilson: It is clear that public education must take place to reduce misconceptions about archaeological review.

Ruth Mitchell: The Historic Preservation Commission could partner with the Historical Society, Genealogical Society and others to present educational programs.

Dr. Hall's Concluding Remarks

Most ordinances require *consideration* of archaeological resources, but do not often result in archaeological projects. Stressing this point will do a lot to reduce misunderstanding.

Please contact me at the Trust for assistance with questions about protecting archaeological resources in St. Mary's County, and thank you for inviting me to speak.

Adjournment

The meeting was adjourned at 5:40 p.m.

Submitted by: _____ Signed by: _____