

**TOWN OF ELKTON  
BOARD OF ZONING APPEALS  
JUNE 20, 2019  
MINUTES**

**Present:** Robert Olewine; Heather Mahaffey; Dawn Schwartz; Richard Czernik; David A. Beste, Esq., Legal Counsel

**Absent:** Shirley Hicks

The meeting was called to order by Mr. Olewine. He called for a motion to approve the minutes from the February 21, 2019 meeting.

**ACTION:** Motion was made by Ms. Schwartz to approve the minutes from the February 21, 2019 meeting as written. The motion was seconded by Ms. Mahaffey and unanimously approved.

**CASE # 1545 – REQUEST OF ELMER JUSTICE FOR A VARIANCE FROM THE TOWN OF ELKTON SUBDIVISION REGULATIONS, ARTICLE V GENERAL DESIGN REQUIREMENTS, SECTION 5.3 LOT FRONTAGE AND ACCESS WHICH STATES THAT “ALL LOTS SHALL ABUT AN APPROVED PUBLIC STREET...”. IN THIS CASE THE LOT BEING CREATED IS ZONED R-3 WHICH REQUIRES A MINIMUM OF TWENTY (20) FEET OF STREET FRONTAGE. IN LIEU OF THE TWENTY (20) FEET OF STREET FRONTAGE THE APPLICANT WILL PROVIDE A TWENTY (20) FOOT PERMANENT RECORDED ACCESS EASEMENT FOR ACCESS TO THE IRON HILL CUT JASPER QUARRY ARCHAEOLOGICAL SITE, TO BE USED ONLY FOR THE PURPOSE OF ARCHAEOLOGICAL EXPLORATION AND EXTRACTION. THIS ACTION CONCERNS PROPERTY LOCATED OFF OF MUDDY LANE AT TAX MAP 304, PARCELS 879 & 892, ZONED R-3 & RO RESPECTIVELY**

Mr. Elmer Justice and Ms. Kelley Berliner were in attendance to address this request. Mr. Olewine asked if Mr. Justice was selling the property and building an access road for their use. Mr. Justice noted there is an existing gravel road going back to the property. The Zoning Ordinance requires a minimum street frontage of twenty (20) feet which Mr. Justice will supply through a permanent recorded access easement.

Mr. Beste clarified the purpose of the variance request as providing access to the 10-acre property for the Iron Hill Cut Jasper Quarry Archaeological Site.

Mr. Justice presented a sample piece of the jasper which was found at the site. Discussion as to the difference between the minerals found at this location as opposed to the Elk Mills Quarry, how the jasper was used by the Native Americans. Ms. Berliner provided a great deal of information on how jasper is formed in the earth.

Mr. Olewine asked if any excavation has been done at this site. Ms. Berliner stated work was done back in the 80's at this site. She stated their hope is to find artifacts and then be able to provide limited access, at some point in the future, for educational purposes. Ms. Berliner stated that the main use of the jasper was to develop weapons (hatchets, arrow heads, etc.)

Mr. Beste questioned the difference between this vein of jasper and the others which Ms. Berliner mentioned. She explained that this particular vein was formed through weathering which would have taken quite a long time. This is the only vein on the East Coast they are aware of which was formed in this way.

Mr. Beste asked if any structure would be built on the site. Ms. Berliner stated it is unusual for any structure other than signage to be placed on sites. Mr. Czernik questioned whether they have any timeframe of when there was activity at this particular site. She explained that looking at the types of arrowheads, etc. they are thinking it might be around 8,000 years ago for human habitation of the area.

Mr. Beste asked Mr. Justice whether he believed this particular 10-acre parcel had no other reasonable use. Mr. Justice stated this is surplus property and he does not need it for any other open space or forestation.

Ms. Berliner noted they have secured a grant from the Maryland Historic Trust of \$50,000.00 in order to purchase the property. She said they are very excited to have an area outside of the Washington Metro area of historical significance.

**MOTION: Motion was made by Ms. Schwartz to approve the twenty (20) foot permanent access easement for the Iron Hill Cut Jasper Quarry Archaeological Site. The motion was seconded by Ms. Mahaffey and unanimously approved.**

Mr. Beste interjected that he believed two recommendations should be added to the motion for the waiver of the road frontage requirement: 1) conditional upon the creation of a twenty (20) foot permanent access easement which conforms with Exhibit 'A' supplied with the submittal, or as otherwise required by the Town of Elkton and 2) conditional upon the sale of the property to Iron Hill Cut Jasper Quarry Archaeological Conservancy or some form of conservancy group.

Mr. Olewine called for another motion which would include the two conditions noted by Mr. Beste.

**MOTION: A motion was made by Ms. Schwartz to approve the twenty (20) foot permanent access easement for the Iron Hill Cut Jasper Quarry Archaeological Site with the following conditions. That the waiver be 1) conditional upon the creation of a twenty (20) foot permanent access easement which conforms to Exhibit 'A' supplied with the submittal, or as otherwise required by the Town of Elkton and 2) conditional upon the sale**

**of the property to Iron Hill Cut Jasper Quarry Archaeological Conservancy or another conservancy group.**

**OLD BUSINESS:** There were no items of old business for discussion.

**NEW BUSINESS:** Ms. Humphreys noted there were cases submitted for the July meeting.

There being no further business to discuss the meeting was adjourned.

Respectfully submitted,

Brie Humphreys