

Jasmine Forbes

From: Jasmine Forbes
Sent: Friday, July 24, 2020 4:31 PM
To: 'Pamela Lindstrom'
Subject: RE: questions about the crematorium on Deer Park Dr.
Attachments: Exhibit #16- Rendered Site Plan.pdf; Exhibit #6- Conceptual Architecture.pdf

Thank you for your correspondence related to application SP-8415-2020. Below are answers to your questions.

- Pursuant to the City Code, the notification requirements for a public hearing requires the property to be posted a minimum of 14 days prior to the meeting and requires notification postcards to be sent to all property owners within 200 feet of the subject property. The Code also requires that information related to the application be posted in one newspaper of general circulation. The notice of the public hearing was posted on the Washingtonian Post legal pages on July 16th and July 23rd. The property was posted and postcards were sent out on July 14th. Notification of the public hearing was also published on the City's website on July 14th.
- I had contacted the property owner and the public hearing signs were put back up after the storm had blew them down. I had also went out to check.
- The property at 10 and 14 East Deer Park was part of a comprehensive rezoning, when the entire Frederick Avenue corridor was rezoned to CD Zone. The property was identified as a specific map designation in the Frederick Avenue Corridor Master Plan. The master plan can be found in the following link:
<https://www.gaithersburgmd.gov/home/showdocument?id=412>
- Information on this application can be found on the City's project page at the following link:
<https://www.gaithersburgmd.gov/government/projects-in-the-city/10-and-14-east-deer-park-drive>. On the project page, you will find the preliminary staff analysis and site plans. Our web administrative staff is currently updating the project page to make the site plan easy to find.
- The applicant is requesting concept site plan approval to expand the services for the existing DeVol Funeral Home at 10 East Deer Park. The application proposes converting an existing single-family house at 14 East Deer Park Drive to a funeral home, which includes viewing parlors and an associated crematorium. The plan also includes expansion of the existing parking lot and other minor site improvements. Please see attachment for the render site plan and conceptual architecture.
- The engineer is A Morton Thomas & Associates Inc. and the architect is Penney Design Group.
- Pursuant to the City Code, a funeral home is defined as:

“Any building in which one or more parlors or rooms are maintained for the temporary resting place of dead human bodies pending final disposition thereof. Such building may also include the following: Space and facilities for the preparation of such bodies for burial or other final disposition; a chapel for the purpose of conducting religious or memorial services or ceremonies (and in which no emergency ambulance service is provided); rooms or space for administrative offices for conducting the business of the home; rooms or space for the housing of equipment, including motor vehicles; living quarters for not more than one family unit who are employees or owners of such funeral home or children of such employees or owners. Emergency ambulance service shall not be provided from the building”.

The CD zone permits all uses which are listed as permitted and not solely as special exceptions or conditional uses in all zoning districts unless otherwise prohibited. A funeral home is a permitted use in the C-2 (General Commercial) Zone. The proposed building will not be used as a stand-alone crematorium and is part of the funeral home use.

- The application that was submitted was a Concept Site Plan. This is the first stage of the site plan process. The application will be reviewed by the Mayor and City Council. After Concept Site Plan review, the Mayor and City Council can request that the applicant come back with a Schematic Development Plan application or file a Preliminary/Final Site Plan application which will be reviewed by the Planning Commission.
- The August 3rd Mayor and City Council is only the public hearing. The Council will keep the record open to allow for public comment. Staff is going to request that the Council hold the record open until September 2 and make a final action September 21. For information about how to participate in the public hearing, please visit the City's virtual meeting page at <https://www.gaithersburgmd.gov/government/virtual-meeting-information>
- I had reached out to City legal about your request on cross-examining the applicant and we will accommodate your request.
- Section 24-160G.8 is considered a grandfather clause and does not relate to this subject property.
- A final staff analysis with the required findings will be provided before the Mayor and City Council final action meeting. The applicant is required to make the required findings as outlined in Section 24-160G.7: https://library.municode.com/md/gaithersburg/codes/code_of_ordinances?nodeId=PTIITHCO_CH24ZO_ARTIIR_EAPPAZO_DIV22CDZOCODE_S24-160G.7FIRE

If you have any additional questions about the application, please feel free to contact me.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Pamela Lindstrom <pamela.lindstrom@gmail.com>
Sent: Thursday, July 23, 2020 5:14 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: questions about the crematorium on Deer Park Dr.

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Jasmine, it is urgent that you answer all these questions right away so we have time to prepare in the brief time between now and August 3.

- What is the requirement for public notice? When were the signs posted? Who in the neighborhood has been notified? In the language they speak?
Were the signs replaced after the storm on Wed.?
- See zoning code Article 3, Div. 22. Corridor Development, CD. When was it zoned CD? Was it zoned CD as part of a master plan? Or by application by the Devol business? Was the house included in that rezoning? If Devol applied for CD zone, where is the application and concept plan and/or schematic development plan?
- No matter how they obtained CD zoning, they are required to have a concept plan or SDP, with a public hearing and PC/Council approval in the form of a written opinion or resolution. Wawa was applying for a SDP.

I called the planning dept. and left an inquiry on the voice mail – where is the SDP?

- If there was a public hearing, when and how announced and who testified? Did Devol propose the current proposal to build crematorium?
 - Are they trying to use **Sec. 24-160G.8. - Existing Buildings and Uses**. To claim they are using the existing building for a use that's allowed in the CD zone?
 - I see that Scott Wallace of the firm Linowes and Blocher is representing Devol. What consultants have they hired, and what reports are available?
 - Is the proposed Concept Site Plan available? If not, when will it be available?
- I don't see the place for a Concept Site Plan in the Zoning Code - what is a Concept Site Plan?
- Is the staff analysis available? If not, when will it be available?
 - Where are the findings that are required for approving development in the CD zone?

I may have more questions.

Thanks for your attention.
Pamela Lindstrom

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, July 27, 2020 3:12 PM
To: 'Pamela Lindstrom'
Cc: Jennifer Jackson; Carol; Richard Lindstrom; Suzanne Ward; Loretta Rivers
Subject: RE: questions about the crematorium on Deer Park Dr.

Thank you for your correspondence related to Concept Site application SP-8415-2020. Your correspondence will be included in the Mayor and City Council meeting packet. As stated in the Applicant's APFO Letter (Exhibit #15), the building will be converted to a funeral home including a viewing parlor and cremation services. In Exhibit #19, there is a letter from the manufacturer about the cremation equipment. The application did not go to the Planning Commission for review. The February date on the application is when the application was formally submitted to the City. Per Section 24-160G.6, Concept Site Plan will only be reviewed by the Mayor and City Council. After Concept Site Plan review, the Mayor and City Council can request that the applicant come back with a Schematic Development Plan application or file a Preliminary/Final Site Plan application which will be reviewed by the Planning Commission.

Regards,
Jasmine Forbes

From: Pamela Lindstrom <pamela.lindstrom@gmail.com>
Sent: Saturday, July 25, 2020 8:24 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Cc: Jennifer Jackson <jestellj@gmail.com>; Carol <carolsimsjohnson@gmail.com>; Richard Lindstrom <dick.lindstrom@gmail.com>; Suzanne Ward <psaward@msn.com>; Loretta Rivers <riversl@verizon.net>
Subject: Re: questions about the crematorium on Deer Park Dr.

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Jasmine, thanks for sending this information by Friday evening, as you promised. It raises questions, of course. For now, on going through the documents from the developer, I find lots of information about the building - the existing house plus addition - but very little information about the use of the building.

The only direct statement that the addition will be a crematorium is from you. The application from Devol and their attorney, dated february 7, 2020, use other terms for the use and that only appears on p. 8 of your packet:

"This firm represents DeVol Enterprises, Inc. ("DeVol"), the owner of the above-referenced Property located in Gaithersburg. On behalf of DeVol, we are filing this Concept Site Plan application for the conversion of an existing single-family house on the Property to a funeral home use including *cremation services* and additional surface parking in two phases as detailed further below (the "Application")."

At the bottom of the first page of the letter, it says

"In the first phase, DeVol proposes to convert the existing house on the Property to a funeral home use, including an approximately 600-SF addition at the rear of the existing house to be used for *crematory services* ("Phase I"). "

Neither "cremation services" nor "crematory services" is defined, so how did you determine that they actually plan to install a crematorium? The question has vexed us because a crematorium is an industrial use with

serious air emissions and surely requires disclosure of how the crematorium would be used, how often, calculation of the emissions and a discharge permit. These emissions will surely be of concern to the neighborhood, and one would think of interest to City officials.

How did you determine that Devol intends to build a crematorium? Surely their application would have mentioned it. And you cannot assume that since a funeral home is a permitted use in the property, then a crematorium is a permitted use!

I am also surprised to see that this application was sent to the Planning Commission in February. Did the Planning Commission meet on the application? Did they approve it? have comments? Why were we not notified of their meeting? Was it somehow not required?

Please send any material the Planning Commission received from you, when they discussed the application and what the outcome was.

On Fri, Jul 24, 2020 at 4:31 PM Jasmine Forbes <Jasmine.Forbes@gaitthersburgmd.gov> wrote:

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If you have any additional questions about the application, please feel free to contact me.

Regards,

Jasmine Forbes



Jasmine Forbes, Planner I

Planning and Code Administration

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Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov

Jasmine.Forbes@gaitersburgmd.gov

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Sent: Thursday, July 23, 2020 5:14 PM
To: Jasmine Forbes <Jasmine.Forbes@gaitersburgmd.gov>
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- Is the staff analysis available? If not, when will it be available?
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Thanks for your attention.

Pamela Lindstrom

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, July 27, 2020 3:24 PM
To: 'dick.lindstrom@gmail.com'
Subject: RE: Crematorium

Good Afternoon,

Thank you for your correspondence related to Concept Site application SP-8415-2020. Your correspondence will be included in the Mayor and City Council meeting packet. Pursuant to the City Code, the notification requirements for a public hearing requires the property to be posted a minimum of 14 days prior to the meeting and requires notification postcards to be sent to all property owners within 200 feet of the subject property. The Code also requires that information related to the application be posted in one newspaper of general circulation. The notice of the public hearing was posted on the Washingtonian Post legal pages on July 16th and July 23rd. The property was posted and postcards were sent out on July 14th. Notification of the public hearing was also published on the City's website on July 14th. The application that was submitted was a Concept Site Plan. This is the first stage of the site plan process and will be reviewed by the Mayor and City Council. After Concept Site Plan review, the Mayor and City Council can request that the applicant come back with a Schematic Development Plan application or file a Preliminary/Final Site Plan application which will be reviewed by the Planning Commission. The August 3rd Mayor and City Council is only the public hearing. The Council will keep the record open to allow for public comment.

Information on this application can be found on the City's project page at the following link:
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If you have any additional questions, please feel free to contact me.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

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Jasmine.Forbes@gaithersburgmd.gov

From: **Richard Lindstrom** <dick.lindstrom@gmail.com>
Date: Fri, Jul 24, 2020 at 2:57 PM

Subject: Crematorium

To: <Laurie-Anne.Sayles@gaithersburgmd.gov>

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Dear Councilmember Sayles:

“Deer Park is a fine neighborhood,” said the realtor, “near to schools, shopping, parks, the post office, and...a crematorium?!” There went the sale.

Once again it appears that the City of Gaithersburg may be secretly allowing an activity next to a residential neighborhood that would not be permitted in Montgomery County, namely the proposed crematorium on East Deer Park Drive. When in operation this furnace would be the single largest point source of emissions in the City. This facility belongs in an industrial area, such as one of the many vacancies near the railroad.

The application is dated February 10 but the signs did not go up until mid-July, announcing the virtual public hearing on August 3. As of July 23, no plans were visible on the city site <http://pca.gaithersburgmd.gov/site/Plan/View/ByPlanNumber/SP-8415-2020>, and only by expanding the Description box on that page does one see the word “crematorium”. Neighbors have not been notified, and cannot openly testify at the Council meeting.

Once again, just as in the Wawa debacle, the neighborhood is becoming less attractive by the action and inaction of the Mayor and Council, with no opportunity for the citizens affected to be heard. During the 48 years that my wife and I have lived in Gaithersburg we have seen the core of the City deteriorate. It may be time to leave, but not before the next election.

Please rethink your processes for managing change, and keep citizens involved.

Most sincerely,

Richard Lindstrom
421 Gaither Street

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, July 27, 2020 2:57 PM
To: 'Nita Lemanski'
Subject: RE: crematorium in Gaithersburg, MD

Thank you for your correspondence related to Concept Site application SP-8415-2020. Your correspondence will be included in the Mayor and City Council meeting packet. If you wish to participate in the public hearing, please visit the City's virtual meeting page at <https://www.gaithersburgmd.gov/government/virtual-meeting-information>.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

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Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Nita Lemanski <nita.lemanski@gmail.com>
Sent: Sunday, July 26, 2020 5:42 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: crematorium in Gaithersburg, MD

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Hi,
I'm writing to voice my opinion AGAINST building a crematorium in Gaithersburg! This is a residential neighborhood, and we don't need toxins in our air from burning dead bodies close to where children and adults live. This is a terrible idea!!

Please do not allow this to happen!

Sincerely,

Nita Lemanski
17 Tea Rose Ct
Gaithersburg, MD 20879

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, July 27, 2020 2:59 PM
To: 'Trishdjohnson@gmail.com'
Cc: Robert Wu; Laurie-Anne Sayles; Neil Harris; Michael Sesma; Ryan Spiegel
Subject: RE: Devol crematorium

Thank you for your correspondence related to Concept Site application SP-8415-2020. Your correspondence will be included in the Mayor and City Council meeting packet. If you wish to participate in the public hearing, please visit the City's virtual meeting page at <https://www.gaithersburgmd.gov/government/virtual-meeting-information>.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

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Jasmine.Forbes@gaithersburgmd.gov

From: Trishdjohnson@gmail.com <trishdjohnson@gmail.com>
Sent: Sunday, July 26, 2020 9:33 AM
To: Robert Wu <robert.wu@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: Devol crematorium

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

I'm writing to ask you to please veto the proposed crematorium on the Devol property near East Deer Park Road. This is close to our home and I'm seriously concerned about my family's health due to the potential release of toxins.

My husband, daughter and I move to Gaithersburg less than 2 years ago hoping to see it improve and grow. I strongly believe this is a step in the wrong direction. These facilities do not belong near schools or homes.

See more about the dangers here: <https://www.ejnet.org/crematoria/>

When burning humans or other animals, there are toxic emissions associated with it, particularly when the following contaminants are an issue:

- any [mercury amalgam dental fillings](#) which haven't been removed
- organohalogens ([dioxins](#), furans, etc.) and other toxics accumulated through diet and other exposures (this is unavoidable, though a [vegan/vegetarian](#) diet will minimize exposure and toxin accumulation)
- any plutonium pacemakers which haven't been removed
- [silicone breast implants](#), which can contain PVC, Methylene Chloride and other toxic chemicals
- other metal or plastic implants in humans

Sincerely,

Patricia Surin
11 Cedar Ave.
Gaithersburg, MD
571-294-7336