

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 1, 2020 12:13 PM
To: 'Gail Norris (Google)'
Subject: RE: Opposition to DeVol Crematorium

Good Afternoon,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

<https://www.gaithersburgmd.gov/government/projects-in-the-city/10-and-14-east-deer-park-drive> .

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: Gail Norris (Google) <gailnorris17@gmail.com>
Sent: Monday, August 31, 2020 8:18 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>
Cc: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>
Subject: Opposition to DeVol Crematorium

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

To the Mayor, Council and Planning Commission:

Attached and pasted below is my written opposition to DeVol Funeral Home's proposal to add a crematorium to its facility in our neighborhood.

Please feel free to reach out to me if you have any questions.

Respectfully,
-gail

Gail Norris

(o) 240-477-4554

(m) 301-237-0767

(skype) gail.j.norris

gailnorris17@gmail.com

August 31, 2020

To the City of Gaithersburg Planning Commission, Mayor and City Council:

I am writing to add my voice to the many who oppose the addition of a crematorium to DeVol Funeral Home, on the corner of East Deer Park Drive and Route 355.

During my 18 years living in the East Deer Park community, DeVol Funeral Home has been a great neighbor, with an impeccably maintained property and providing comfort to many who needed their services. However, the prospect of adding a crematorium – and with it the uncertainty of the harm it poses to the health of those living, using community services and going to school nearby, as well as the surrounding environment – is of great concern.

After viewing the hearing about this proposed development along East Deer Park Drive, there were several points that raised red flags that should make the City think twice (maybe three times) about a blanket approval of this project:

#1 It is too close to a residential communities, parks and schools

Regardless of how the property is technically zoned (commercial), the proximity of the proposed crematorium is a mere yards from several apartment complexes and single-family homes.

Also, within only about 1/2 a mile, there are:

- **Hundreds of residential buildings** – both multi dwelling and single-family homes – where *thousands of Gaithersburg residents live*.
- **3 elementary schools** - Washington Grove, Summit Hall and Rosemont, where students – a majority of whom qualify for free and reduced school lunches – play and learn outdoors every day.
- **1 high school** - Gaithersburg High School, where a majority of the students are walkers coming from nearby communities, and where student athletes, band members and staff are outdoors participating in various extracurricular activities.
- **City parks** – Within a few blocks from DeVol Funeral Home are Bohrer Park with fishing ponds, playgrounds and picnic pavilions; the Water Park; Mini Golf; Skate Park; and the City Hall playground and concert pavilion. These facilities are jewels of our community, which not only offer a place of outdoor refuge for our residents, but also serve as major attractions for visitors from around the county, across the state and even around the world. The Gaithersburg Book Festival (held for more than a decade at City Hall, but temporarily moving to Bohrer Park) has become an internationally recognized event with upwards of 20,000 attendees and growing each May. Summer Fest and Sports Fest, also at Bohrer Park, offer great activities for families and children alike.

As many of my neighbors and other experts have pointed out, Ch. 59 of the Montgomery County Zoning Ordinance, Council Approved March 5, 2014,

(<http://www.montgomeryplanning.org/development/zoning/documents/FULLCh59APPROVEDclean3.5.14.pdf>) states that crematoriums are allowed only under industrial zoning (see chart below, which has been excerpted from that document).

Council Approved

USE OR USE GROUP	Definitions and Standards	Ag	Residential															Commercial Residential		
			Rural Residential				Residential Detached						Residential Townhouse			Residential Multi-Unit				
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN
FUNERAL AND INTERMENT SERVICES	3.5.4																			
Cemetery	3.5.4.A	C	C	C	C	C														
Crematory	3.5.4.B																			
Funeral Home, Undertaker	3.5.4.C	C				C		C	C	C										L

While I realize Gaithersburg is independent from the County, it would be logical to follow this same zoning policy in the city to 1) prevent confusion and 2) prevent our city from being seen as more permissive of these types of so-called “commercial” businesses, and potentially incenting other crematoriums to seek sites within our city limits.

Siting a crematorium in an industrial zone is a common practice in other areas of the U.S. and around the world. As noted by the National Collaborating Centre for Environmental Health in its Crematoria and Air Quality Fact Sheet (<https://ncceh.ca/documents/guide/crematoria-and-air-quality-fact-sheet>):

Standard practice for siting of crematorium in proximity to residential areas

Every site is unique with the type and levels of emissions affected by factors listed in Table 1 and local dispersion of air pollutants affected by prevailing wind direction and topography. There is no standard practice for setback distances between crematoria and residential areas in Canada but many regional and local permitting and zoning practices set out where crematoria are permitted or prohibited along with other specifications. For example, crematoria may be permitted in conjunction with a cemetery or in specified zones (Industrial) with minimum separation distances required between crematoria and sensitive receptors such as schools, daycares, libraries, or care facilities (e.g., 20-70m). Appropriate setback requirements may also take into account air dispersion modelling on a case-by-case basis. Table 2 lists selected examples of setback distances from around the world.

And even in the case of siting a crematorium in industrial areas, there are some minimum setbacks that are considered.

Table 2: Example setback distances used in other countries

Country/Jurisdiction	Minimum distance
England and Wales (UK Cremation Act)	200 yards (183 m) between a crematorium and any dwelling or a public highway to protect residents from nuisance smoke and privacy to funeral proceedings
West Australia	200-300 m between crematoria and sensitive land uses
South Australia and the Australian Capital Territory	150 m minimum separation distance
South Africa, Department of Health	500 m from any habitable building
US (Sacramento County California)	500 feet (152 m) from any agricultural-residential, residential zoning district

#2 Health risks – Are you willing to sacrifice the health of thousands of Gaithersburg residents for a single business?

While Mr. DeVol and his team offered some generalities about the lack of dangerous emissions during the Council hearing, these passing assurances did not seem to be grounded in science, nor did they seem based in fact. When questioned, they could not seem to cite reliable evidence that showed how our community would be protected generally from harmful emissions, or if the crematorium malfunctioned.

There are many studies, however, that expose the real risks crematoriums in terms of emissions of dangerous substances, such as mercury. One [study](#) noted:

...the risk of stillbirth was 4% higher and the risk of the life threatening brain abnormality anencephalus was 5% higher among babies whose mothers lived near to crematoria.

Additionally, Canada's Interior Health Authority did a literature review and "concluded that fumes from crematoriums are potentially harmful and that they should not be located close to a residential area." It also "found that particulate matter, which can be inhaled deep into lung tissue, is the chief threat." (see "Put a lid on fumes from cremation," Vancouver Sun, 5/12/2006).

The Public Health Impact of Crematoria – report by Chief Medical Officer of British Columbia – outlined how ***mercury, dioxin, particulate matter and other emissions*** were of great concern, and noted that ***“crematoria could have a negative impact on health and should not be located in residential neighborhoods.”***

In testimony by Mr. DeVol and his team during the council hearing, there appeared to be no way for the city to monitor emissions from the crematorium, or for the manufacturers of the equipment to ensure no harmful toxins are released.

#3 – Not life or death to DeVol’s business, but could be life or death to us living around it

During his testimony and in response to council questions, Mr. DeVol could not articulate clearly if having a crematorium or not would impact his business. In fact, he seemed to allude that he had not done any type of business case to show the impact of not being able to add the crematorium to his business. Sure, he said it was inconvenient for many of the families he has served, but he did not provide any evidence of the financial impact having this facility onsite would have to the success or longevity of his facility.

Understandably, with the uncertain economy, every business person looks for new, innovative ways to expand their business and build their customer base. But those efforts should not be at the personal expense of the community a business serves.

While it does not appear that adding crematorium services is a matter of life and death for DeVol Funeral Home, the location of his crematorium could be a matter of life and death for those of us who live near the facility and breath in toxins day and night.

I would hope that the Planning Commission, Mayor and City Council will take seriously the concerns of the East Deer Park community. We are direct neighbors to City Hall, we care deeply about our tight-knit group of neighbors, many of us work and volunteer for the city because we love our community, and WE VOTE.

The East Deer Park community, as well as many other neighborhoods to the east of I-270 already feel disenfranchised by actions the city has taken (quick approval of WaWa in a residential community) and not taken (decades of broken promises about redeveloping Olde Towne, while focusing efforts on higher-income neighborhoods to the west).

Now is the time for the City of Gaithersburg to show that it truly cares about ALL OF ITS RESIDENTS. With a reputation as a “tree city” and one that cares about the environment and its residents living healthy lives, allowing a crematorium that emits harmful toxins to be built in such close proximity to residences, schools and parks would seem counterintuitive to the goals the city claims to profess.

Sincerely

Gail Norris
400 Woodland Road
Gaithersburg, MD 20877
301-237-0767
gailnorris17@gmail.com

August 31, 2020

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Sincerely

Gail Norris
400 Woodland Road
Gaithersburg, MD 20877
301-237-0767
gailnorris17@gmail.com

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 1, 2020 12:27 PM
To: 'BEBE_109@msn.com'
Subject: RE: DeVol Funeral Home

Good Afternoon,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

<https://www.gaithersburgmd.gov/government/projects-in-the-city/10-and-14-east-deer-park-drive> . A crematory is not referenced in the City Code. 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".

In the funeral home definition it mentions "other final disposition". Staff and City 's Deputy City Attorney concluded that as long as the crematorium use was included as part of the funeral home which also has viewing parlor rooms as temporary resting places, the definition of funeral home would allow it. A standalone crematorium as a single use would not be permitted. The permit for crematoriums are issued and regulated by the Maryland Department of the Environment (MDE).

The property at 14 East Deer Park Drive is zoned CD (Corridor Development). 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 by-right use in the C-2 (General Commercial) Zone.

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

----- Original message -----

From: MAIDA SINNUNG <BEBE_109@msn.com>

Date: 8/31/20 9:42 PM (GMT-05:00)

To: MCC Services <mccservices@gaithersburgmd.gov>

Subject: DeVol Funeral Home

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

Good evening,

I am writing to you all as a concerned citizen in regards to DeVol Funeral Home at 14 E. Deer Park. I was made aware that they are building an incinerator so close to our home. I have two young children and are concerned that a crematorium that releases poisonous chemicals into the air, including Mercury will absolutely cause illnesses to my young children. I am inquiring as to what are the legalities of whether or not this funeral home is allowed to apply for this permit. I would appreciate your attention to this and thank you for taking the time to read this email.

Maida Garcia

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 1, 2020 2:38 PM
To: 'Cesar Garzon'
Subject: RE: NO to the proposed DeVol application SP-8415-2020

Good Afternoon,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

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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: Cesar Garzon <cesaredu5@gmail.com>
Sent: Tuesday, September 1, 2020 1:51 PM
To: Jud Ashman <Jud.Ashman@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>; Robert Wu <robert.wu@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: NO to the proposed DeVol application SP-8415-2020

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

Dear Mayor, Councilman and Councilwoman, and City Planner:

My family lives in the Rosemont Community next to Deer Park and less than 0.4 miles from the DeVol Funeral Home. My mother in law that lives with us has underlying health conditions and my wife has a family daycare with kids ages 3 months-old to 5 years. We are really concerned that DeVol crematorium will bring an industrial zone into our neighborhood and will negatively impact the health of the community. My family and the families we serve don't want a tall "chimney" emitting smoke and chemicals into the air where thousands of residents live, work, and go to school. This parcel is not zoned for industrial use. We want the City to improve the quality of live by focusing on environmentally friendly projects that will help fight pollution, not by bringing more traffic and smoke.

Cesar Garzon
Gaithersburg, 20877

PS. This goes as well for the gas station projects already approved by the city in around the same area. The health and well being of our community should be put first before business interests and profits.

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 1, 2020 2:40 PM
To: 'robertestubbs@gmail.com'
Subject: RE: "NO" to the proposed DeVol application SP-8415-2020

Good Afternoon,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page: <https://www.gaithersburgmd.gov/government/projects-in-the-city/10-and-14-east-deer-park-drive>.

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: robertestubbs@gmail.com <robertestubbs@gmail.com>
Sent: Tuesday, September 1, 2020 2:02 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: "NO" to the proposed DeVol application SP-8415-2020

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

Dear Planner,

I live in the Deer Park area which is a residential zone. I am concerned that the DeVol crematorium will bring an industrial zone into my neighborhood and will negatively affect the people I care about. I don't want a tall "chimney" emitting smoke and chemicals into the air where thousands of residents live, work, and go to school. This parcel is not zoned for industrial use. I don't want the quality of life here changed by more traffic and smoke. Please reject this proposal.

Sincerely,
Robert Stubbs
16409 Henry Drive
Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 1, 2020 2:42 PM
To: 'robertestubbs@gmail.com'
Subject: RE: "NO" to the proposed DeVol application SP-8415-2020

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Regards,
Jasmine Forbes



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Planning and Code Administration

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

From: robertestubbs@gmail.com <robertestubbs@gmail.com>
Sent: Tuesday, September 1, 2020 2:12 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: "NO" to the proposed DeVol application SP-8415-2020

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Dear Planner,

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Sincerely,

Lawrence and Mary Stubbs (emailed by our son because we don't have internet or email)
16408 Henry Drive
Gaithersburg, MD 20877