

## Jasmine Forbes

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**From:** Jasmine Forbes  
**Sent:** Tuesday, September 1, 2020 4:59 PM  
**To:** 'Eddie and Michele Schantz'  
**Subject:** RE: 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**

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

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**From:** Eddie and Michele Schantz <jazleo6773@verizon.net>  
**Sent:** Tuesday, September 1, 2020 4:15 PM  
**To:** Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Planning External Mailing <Planning@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>  
**Subject:** Crematorium

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

To our city leaders:

We have lived in the Deer Park Neighborhood of Gaithersburg for 34 years. It has been a nice residential neighborhood. By allowing DeVol Funeral Home to convert a home on East Deer Park Drive to a Crematorium, you will be adding an industrial incinerator to a residential area and changing the area to mixed use rather than residential. The incinerator will pollute the environment not only in our neighborhood but also in surrounding long established neighborhoods, schools, churches, and public buildings (including Bohrer Park and City Hall), not to mention individuals driving by on Route 355 with their vehicle ventilation systems on.

The funeral home has not reached out to the community at all. They did not notify us of their intentions. That is not how a neighbor, be it business or individual, should treat their neighbors.

Please do the responsible thing and do not approve DeVol's proposal to put a crematorium in our neighborhood/city.

Sincerely,

Eddie and Michele Schantz  
208 Oakton Road

**Jasmine Forbes**

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**From:** Jasmine Forbes  
**Sent:** Wednesday, September 2, 2020 9:08 AM  
**To:** 'Lynn Nash'  
**Cc:** J. Jackson (jestellj@gmail.com); rob@bindeman.com  
**Subject:** RE: DeVol Concept Site Plan: SP-8415-2020

Good Morning,

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.

Regards,  
Jasmine Forbes



**Jasmine Forbes, Planner I**  
**Planning and Code Administration**

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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

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**From:** Lynn Nash <lynn.slepski@outlook.com>  
**Sent:** Tuesday, September 1, 2020 5:03 PM  
**To:** Planning External Mailing <Planning@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>  
**Cc:** Lynn Nash <lynn.slepski@outlook.com>; J. Jackson (jestellj@gmail.com) <jestellj@gmail.com>; rob@bindeman.com  
**Subject:** DeVol Concept Site Plan: SP-8415-2020

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

As a member of East Gaithersburg United, I am writing to request that the DeVol application be denied on the basis of the current zoning of 14 Deerfield Dr. The proposed property abuts single family homes, multiple apartment-style homes and small businesses. Nearby is an elementary school. Across the street is a high school. It is not currently zoned for industrial use and should NOT be.

DeVol Funeral Home is seeking to expand its existing funeral home use in Gaithersburg to include a crematory. The proposed use must comply with the City's Corridor Development (CD) Zone standards and general Gaithersburg City zoning code definitions.

City staff has recommended approval of the DeVol's proposed plan. However, the issue has been raised as to whether the funeral home can legally operate a crematory under existing law. As explained below, the funeral home cannot operate the proposed crematory under current City law, and the plan should be denied.

A FUNERAL HOME MAY NOT OPERATE A CREMATORY UNDER CITY LAW AS IT IS NOT ALLOWED TO CONDUCT THE "FINAL DISPOSITION" OF A BODY

City staff have concluded that a crematory is a permissible service under the City Code definition for a "funeral home" – but by doing so they are overlooking the specific limitations of that definition.

Under the City Code, a funeral home is a building which can serve as a "temporary resting place" for bodies, and where the "preparation of bodies for final disposition" can occur. But allowed services under the Code do not extend to the actual "final disposition" (cremation) of a body. Maryland law uses the technical phrase "final disposition" in multiple contexts that confirm that the cremation of human remains constitutes the "final disposition" of a body.

Maryland statutes clearly include "cremation" as a means of "final disposition." For example:

1. "[C]emetery' includes a crematory or other place for final disposition<sup>1</sup>."
3. "'Final disposition' means the burial, cremation, or other final disposition of a body . ."2

While City staff recognizes cremation as a "final disposition" they overlook Code limitations that restrict funeral home services to providing a "temporary resting place for dead human bodies" and "the preparation of such bodies" for final disposition.

City law clearly does not allow a funeral home to carry out the "final disposition" of a human body. In other words, a funeral home can no more conduct a cremation on its premises than it can conduct a burial on its premises.

DeVol Funeral Home's concept plan must be denied because it is not allowed by City law.

1 Md. Code Ann., Health-Gen. § 4-215(a) (Burial permits, final disposition, transportation, and disinterment).

2 Md. Code Ann., Health-Gen. § 4-201(k) (Definitions). Many other examples will be entered in the hearing record.

Thank you for your consideration. I know that you will make the right choice for the citizens of the East Side.

Lynn A. Nash, PhD, RN, PHCNS-BC, FAAN  
102 Bristol Downs Drive  
[Lynn.Slepski@outlook.com](mailto:Lynn.Slepski@outlook.com)  
(Cell) 202 236-6773

**Jasmine Forbes**

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**From:** Jasmine Forbes  
**Sent:** Wednesday, September 2, 2020 9:13 AM  
**To:** 'Margarita Serrano'  
**Cc:** Alex Bara Jimenez  
**Subject:** RE: NO- to DeVol's Funeral Hime Crematorium SP-8415-2020

Good Morning,

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

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-----Original Message-----

From: Margarita Serrano <[serrano\\_margarita@hotmail.com](mailto:serrano_margarita@hotmail.com)>  
Sent: Tuesday, September 1, 2020 6:16 PM  
To: Jud Ashman <[Jud.Ashman@gaithersburgmd.gov](mailto:Jud.Ashman@gaithersburgmd.gov)>; Laurie-Anne Sayles <[Laurie-Anne.Sayles@gaithersburgmd.gov](mailto:Laurie-Anne.Sayles@gaithersburgmd.gov)>; Neil Harris <[Neil.Harris@gaithersburgmd.gov](mailto:Neil.Harris@gaithersburgmd.gov)>; Michael Sesma <[michael.sesma@gaithersburgmd.gov](mailto:michael.sesma@gaithersburgmd.gov)>; Ryan Spiegel <[ryan.spiegel@gaithersburgmd.gov](mailto:ryan.spiegel@gaithersburgmd.gov)>; Robert Wu <[robert.wu@gaithersburgmd.gov](mailto:robert.wu@gaithersburgmd.gov)>; Jasmine Forbes <[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)>; Planning External Mailing <[Planning@gaithersburgmd.gov](mailto:Planning@gaithersburgmd.gov)>  
Cc: Alex Bara Jimenez <[barajalex@hotmail.com](mailto:barajalex@hotmail.com)>  
Subject: NO- to DeVol's Funeral Hime Crematorium SP-8415-2020

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

Gaithersburg City Mayor, City Council Members, City Planner,

Hello,

My name is Margarita Serrano, also writing on behalf of my husband Alex Bara. We are residents of the East Deer Park neighborhood since 2012, and live on 507 Woodland Rd. very close to the proposed crematorium.

We received with great concern, a flyer stating DeVol's funeral home intention to purchase a neighborhood house with the purpose of converting it into a crematorium. Although I understand for them this might make incredible business sense; however, for the residents who live here makes NO SENSE!

One thing is that zoning is CD, but this is an industrial occupation. DeVol should have their crematorium off-site in an appropriate industrial zone, and not nestled within a residential neighborhood and with nearby surrounding areas that include 3 elementary schools, 1 middle school and 1 High School. It also includes several churches. This is a HIGHLY family area!

It is incomprehensible that "business sense" would trump "residential living" since that's the main purpose of being in a neighborhood.

The area where they are proising to install this crematorium is inside the neighborhood, NO ONE wants to be the neighbor of a crematorium. DeVol's main building is on 355, but the house on 14 E Deer Park is diagonal to residential homes. My house is 200-250 ft from this proposed project.

This project will bring toxic air, pollution, and ashes of dead people to a FAMILY NEIGHBORHOOD!!!! This proposal will bring unforeseen health risks and it will greatly decrease the value of our homes!

Also, it is the prospect and psychological aspect of having dead people being burned right by your house. If I knew this before purchasing our house, I wouldn't have considered this neighborhood.

It is bad enough seeing the funerals, and being reminded on the topic of death, to have this additional morbid reminder in such close proximity. This news has been a great surprise and makes us consider leaving the neighborhood.

**WE STRONGLY DISAGREE WITH DEVOL'S PROPOSED CREMATORIUM.**

Thank you for your attention.

Sincerely,  
Alex Bara & Margarita Serrano  
507 Woodland Rd.

**Jasmine Forbes**

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**From:** Jasmine Forbes  
**Sent:** Wednesday, September 2, 2020 9:17 AM  
**To:** 'Patricia'  
**Subject:** RE: No crematorium

Good Morning,

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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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

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**From:** Patricia <pkushne1@gmail.com>  
**Sent:** Tuesday, September 1, 2020 7:25 PM  
**To:** Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>  
**Subject:** No crematorium

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

Dear City Planner,

- Crematoriums are an Industrial Use in Montgomery County and have no legal place in a residential neighborhood
- DeVol is located in Gaithersburg's Commercial-Development (CD) Zone. A CD Zone is intended to enhance resident's lives. Does a Toxic DeVol Crematorium in your residential area enhance your life?
- WE do not want a crematorium – blowing the ashes of dead bodies – near our homes, DuVall Park, and schools.

PLEASE DO NOT ALLOW THIS TO HAPPEN IN MY AND/OR MY CHILDS NEIGHBORHOOD!!! We live here, walk our dogs here, skateboard here, run here, and frankly live here!!! Would you want this crematorium next to your house???

My vote is a strong NO!!!

Sincerely,

Patricia Kushner

## Jasmine Forbes

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**From:** Jasmine Forbes  
**Sent:** Wednesday, September 2, 2020 9:20 AM  
**To:** 'goggingg@aol.com'  
**Subject:** RE: Continuing Concerns About DeVol Funeral Home's Crematorium Plans

Good Morning,

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Regards,  
Jasmine Forbes



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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

**From:** goggingg@aol.com <goggingg@aol.com>  
**Sent:** Tuesday, September 1, 2020 7:48 PM  
**To:** Jud Ashman <Jud.Ashman@gaithersburgmd.gov>  
**Cc:** 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:** Continuing Concerns About DeVol Funeral Home's Crematorium Plans

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

Mai Liis E. Goggin  
440 Gaither St.  
Gaithersburg, MD 20877  
301-963-9079

The Honorable Mayor of Gaithersburg, MD, Jud Ashman  
Gaithersburg City Hall  
31 S Summit Ave., Gaithersburg MD 20877

Dear Mayor Ashman,

In this letter, I'm expressing continuing concerns that my husband and I have regarding plans that we recently learned about regarding DeVol Funeral Home.

After having watched the August 3rd city council meeting and reading some of the literature on the Internet dealing with the subject of cremation, a number of considerations have left us feeling uneasy about DeVol Funeral Home's proposal: One of those is that, though representatives of the home described safe-guards to the system, it appears that machine and/or human error could still factor into potential malfunctions, perhaps (if my understanding about this is correct) not unlike the way in which aircraft and other machinery are susceptible to failure despite modern technological features.

Among information that I've read is this excerpt from the website, Stopfairview.com: "A study by the Cremation Association of North America has found that filtering crematorium fumes has little effect on the toxins released." We worry about the possibility that the health of children in particular may be affected even by accumulations of relatively 'low levels' of toxins in their bodies over the long-term.

Also, I find it somewhat ironic that it is now illegal to smoke within 100 feet of a school in Buffalo, N.Y., and yet a smokestack which would emit toxic chemicals is being considered as an addition to a funeral home in a residential area where many children live.

Additionally, while we feel great respect towards the cultures and religions which have specific guidelines regarding funerals (including the requirement that those who attend the services be present during the cremation process) and we do not in any way mean to diminish the concerns of the funeral attendees, we find that the funeral home's assertions about the travel involved seem rather disingenuous since it is, of course, extremely common for people to have to travel very much longer distances to attend funerals.

A further observation regarding the need to commute between the cremation site in Alexandria and Gaithersburg is that though it is certainly a necessary point to consider, it seems likely that, at least in a majority of situations, any difficulties involved would be of a temporary nature. The residents in the area of Gaithersburg who live near the funeral home are, however, facing the prospect of years of uncertainty and stress regarding the possibility of serious health problems which could impact them for the rest of their lives.

My husband and I are very hopeful that an equitable compromise will be reached on the matter involving a location for a crematorium (maybe allowing it to be situated somewhere in an area where zoning would perhaps be more suitable for its placement). The prospect of such an incinerator so close to our home has us discussing plans of moving elsewhere.

Buying a house in Gaithersburg has been a big part of realizing the American dream for my husband and for me, as it has been for so many others. Please help it to stay a positive dream-come true as you make your decision regarding the funeral home.

Respectfully,

Mai Liis Goggin