

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, September 14, 2020 9:34 AM
To: 'Christine Dibble'
Subject: RE: Comment on possible siting of DeVol 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.

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: Christine Dibble <christinedibble@outlook.com>
Sent: Saturday, September 12, 2020 4:53 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>; Dennis Enslinger <Dennis.Enslinger@gaithersburgmd.gov>; 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>; Robert Wu <robert.wu@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>
Cc: washingtongrove@yahoogroups.com; 'Town of Washington Grove' <washgrove@comcast.net>
Subject: Comment on possible siting of DeVol crematorium

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Christine Dibble
P.O. Box 305
313 Brown Street
Washington Grove, MD 20880
(240) 702-6719
christinedibble@outlook.com

September 12, 2020

Honorable Jud Ashman
Members of the City Council
Acting City Manager Dennis Enslinger
Ms. Jasmine Forbes, Planning Division
City of Gaithersburg
31 S. Summit Ave
Gaithersburg, MD 20877

Re: Possible siting of DeVol crematorium

Dear Mayor Ashman, Councilmembers, Mr. Enslinger and Ms. Forbes:

I live three-quarters of a mile from DeVol Funeral Home in Washington Grove. I have several objections to the construction of, and the review process for, the potential siting of a crematorium at 14 East Deer Park Drive. I also have a number of questions for you.

The first of these objections pertains to the City's notification about the project and the review process. I only became aware of this project this week, and that was because of an email sent by one of my Washington Grove neighbors. Why is it that a citizen who lives less than a mile from this project only finds out about it at this late stage? I have received no communications from the City of Gaithersburg, none from the Town of Washington Grove, and none from DeVol.

I understand from Ms. Forbes that, when considering a proposed project in the City, the Division only notifies (a) neighbors who live 200 feet or less from the location of the project -- so that means immediate neighbors only -- and (b) nearby homeowner associations. This seems completely inadequate. At a minimum, I would expect that everyone who lives or works **within a mile** of a proposed project, whether City residents or residents of a nearby municipality like Washington Grove, would be notified. *Would you consider strengthening your policies about who gets notified of proposed projects that come before the City's Planning Division?*

My second objection pertains to zoning -- specifically, the City's interpretation of the Corridor Development zoning ordinances to permit the siting of crematoria within that zone.

- Section Sec. 24-160G.2 of the zoning ordinances *specifically prohibits all* light-industrial "production/manufacturing/assembly/processing uses" unless they are listed in that section as an exception. Crematoria are not a listed exception.
- A crematorium is a light-industry "production, manufacturing, assembly and **processing**" facility, because a cremation chamber is a furnace that **processes** human bodies into ash, potentially emitting toxic substances like furans, polycyclic aromatic hydrocarbons (PAHs), mercury, and particulate matter.

Clearly the intent of the CD zone is to prohibit all light industry other than the listed exceptions. *If you allow DeVol to locate their crematorium in the CD zone, please explain to me how a crematorium does NOT fall within the definition of light-industry "production, manufacturing, assembly and processing" facilities, which are prohibited from the CD zone.*

I have searched municipal zoning ordinances in the United States that make specific mention of crematoria. Most of these ordinances exclude the siting of any crematoria, *anywhere*. Those ordinances that **do** permit them generally require a setback of at least 500 feet. In this case, the DeVol cremation chamber would be about 150 feet from the closest residence, *less than a third* of the distance of what is elsewhere mandated.

In addition, the facility will be sited less than a mile from these **seven** schools: Gaithersburg Presbyterian Preschool, Washington Grove Elementary School, Rosemont Elementary School, Summit Hall Elementary School, Yang Academy, Saint Martin of Tours School, and Gaithersburg High School. Levels of methylmercury in the bloodstreams of children may harm their developing nervous systems, affecting their ability to think and learn. *Why would you intentionally expose the children of Gaithersburg to additional levels of developmental neurotoxins like mercury? And to additional levels of furans, polycyclic aromatic hydrocarbons (PAHs), and particulate matter?*

My last objection relates to the environmental justice aspects of this matter. I understand that the permitting process includes an evaluation of the disproportionately high and adverse human health and environmental effects of programs, policies, and activities on minority populations and low-income populations.

I do not have any questions for you with respect to your consideration of environmental justice aspects of this matter. I only hope that all of you are acutely aware that many residents of eastern Gaithersburg, near where I live, believe that their municipal government treats them differently than it treats residents of western Gaithersburg. I am sure that you are aware that residents of eastern Gaithersburg are not as wealthy as those in the western part of the City; they are more likely to have multiple jobs to make ends meet, and are less likely to have the time to submit comments to the City on proposed projects.

Siting a cremation chamber that potentially emits carcinogens and other toxic substances in this poorer part of the City may be perceived by many of your constituents as a strong indication that you show little concern about the health of minority and economically disadvantaged City residents. If the chamber is built, the takeaway lesson for these constituents will likely be that you believe that the desires of a single small business like DeVol outweigh your concern for the health of an entire community, including its children.

Thank you for considering my comments. I look forward to receiving a response from you.

Sincerely,

Christine Dibble

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, September 14, 2020 9:39 AM
To: 'ma. linda caringal'
Subject: RE: "NO" to the proposed DeVol application 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

From: ma. linda caringal <edelweiss55710@yahoo.com.ph>
Sent: Sunday, September 13, 2020 5:59 PM
To: Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@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, Councilpersons and Planner:

My family and I live in an entirely residential area in Virginia Drive. I oppose the establishment of a crematorium around my residential area as I believe this can produce harmful health effects, not only now but in the future generations. I therefore beg your good selves to reject this proposal/application.

Sincerely,
Linda Caringal

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, September 14, 2020 10:33 AM
To: 'Paula Billos'
Subject: RE: DeVol Funeral Home, 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

From: Paula Billos <pbillos@gmail.com>
Sent: Sunday, September 13, 2020 7:01 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>; Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: DeVol Funeral Home, Concept Site Plan: SP-8415-2020

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

Dear Mayor Ashman, City Council, and Planning Committee members:

We are writing to ask you to vote **NO** on the application to build a crematorium on the DeVol Funeral Home property in our East Deer Park neighborhood.

As you know, Montgomery County and many other nearby districts (Rockville, DC, and Arlington, to name a few) allow crematoria to be built only in industrial zones. While it may be true that a crematorium in the CD Zone of Gaithersburg is not against the "letter of the law" simply because it is not specifically prohibited, it is clearly against the "spirit of the law." The purpose of the CD Zone is to "encourage a form of development...to enhance the economic vitality, planned visual character and quality of life..." (Sec. 24-160G.1) The addition of a crematorium on the DeVol property does not satisfy this

purpose, nor any of the others listed in Section 24-160G of the Code. According to the Preliminary Background Report for this project, "the Applicant has the burden of showing that the application complies with the purpose and intent of the CD Zone." During his Virtual Community Meeting on September 9th, the Applicant, Robert DeVol, noted many business reasons for this expansion. However, he has not shown that the project complies with the purpose and intent of the CD Zone. In fact, it is likely that this project will harm the quality of life of nearby residents and students.

The response of the City in exhibit #21 on the project website appears to be that since the proposed building will not be used as a stand-alone crematorium and is part of the existing funeral home use, it is an allowed use in the CD Zone. Whether or not a crematorium is stand-alone or part of an existing funeral home does not change the fact that the furnace will be a source of potentially toxic emissions. There are simply not enough reputable studies to know the precise level of toxicity. This is the reason that most city/county codes require crematoria to be built and operated in industrial zoned areas near other production/manufacturing/assembly/processing sites - uses which are specifically prohibited in the CD Zone in Gaithersburg. (Sec. 24-160G.2(b))

This is not an existing crematorium which was built long ago, before we knew about the effects of toxic fumes and emissions. This would be a new building, a new incinerator. As such, it should be built in an industrial area and **NOT** in an area surrounded by homes, apartments, schools, parks, and churches. There are many vacant industrial spaces in Gaithersburg which would be appropriate for such a use. DeVol's desire to provide cremations for local residents could be granted using space elsewhere.

The DeVol Funeral Home provides essential services to our community. Their property is well-maintained and they are good neighbors. However, building a crematorium on their property in East Deer Park will not enhance the quality of life of City residents.

Please vote **NO**. Please do **NOT** approve this application to build a crematorium on the DeVol property in Gaithersburg.

Sincerely,

Paula and John Billos
112 Oakton Road
Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, September 14, 2020 11:02 AM
To: 'Nosheen Hayat'
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.

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: Nosheen Hayat <nosneenhayat1@gmail.com>
Sent: Sunday, September 13, 2020 11:45 AM
To: Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: No Crematorium!

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To whom it may concern:

As a resident of Gaithersburg who lives only a short drive from the funeral home, I do not want a crematorium near my home, which would be harmful to the health of my family and my neighbors!

Nosheen Hayat
205 Rolling Rd, Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, September 14, 2020 11:06 AM
To: 'Lourdes Rivera'
Subject: RE: 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.

Regards,
Jasmine Forbes

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Jasmine.Forbes@gaithersburgmd.gov

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

From: Lourdes Rivera <eddylulu@icloud.com>
Sent: Sunday, September 13, 2020 9:09 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: Crematorium

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

I am a Gaithersburg resident and I do not agree with building a crematorium in any of our neighborhoods.

L Rivera

Sent from my iPhone