

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 15, 2020 4:27 PM
To: 'Shelley Winkler'
Subject: RE: Crematorium proposal violates zoning and public safety requirements

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.

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: Shelley Winkler <stopwink@gmail.com>
Sent: Tuesday, September 15, 2020 12:56 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>; Robert Wu <robert.wu@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>
Cc: Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>; Dennis Enslinger <Dennis.Enslinger@gaithersburgmd.gov>
Subject: Crematorium proposal violates zoning and public safety requirements

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September 15, 2020

Honorable Jud Ashman
Members of the City Council
City of Gaithersburg
31 S. Summit Ave
Gaithersburg, MD 20877

Re: DeVol crematorium proposal violates zoning and public safety requirements

Dear Mayor Ashman and Council Members,

I am writing to urge you to reject the siting of a crematorium on East Deer Park Drive, in the middle of a residential, church and school area.

First, this site violates the Corridor Development zoning ordinances.

- 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 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.***

Second, this site is located less than a mile (as the crow flies) from at least nine schools: Gaithersburg Presbyterian Preschool, Washington Grove Elementary School, Rosemont Elementary School, Summit Hall Elementary School, Yang Academy, Saint Martin of Tours School, Gaithersburg High School, Gaithersburg Elementary School and Gaithersburg Middle School. Levels of methylmercury in the bloodstreams of children may harm their developing nervous systems, affecting their ability to think and learn. The pollutants likely emitted from the facility include developmental neurotoxins that affect cognitive thinking, memory, attention, language, fine motor skills, and visual spatial skills in children. ***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?***

Third, review of environmental conditions associated with crematoria also reveals:

- crematoria emit toxic substances like furans, polycyclic aromatic hydrocarbons (PAHs), mercury, and particulate matter. Although cremation chambers are required to include air pollution control equipment, they are poorly regulated and barely ever inspected. Over time, and as equipment ages, it is likely that increasing quantities of toxic pollutants will be emitted from the chimney.
- most funeral homes are still not in the habit of asking families whether the loved one being cremated had any implants, like prostate implants or pacemakers. These implants can release toxins during the cremation process; pacemakers can explode, potentially causing structural damage to the cremation chamber. These incidents may result in emissions of toxic pollutants.
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Fourth, does this site create equity for all citizens of Gaithersburg? Are the economic and racial characteristics of the population located near this proposed poorer and less white than other areas? What would it mean to the community at large to allow such a facility in this location and allow them to suffer adverse effects from it?

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.

Sincerely,

Shelley Winkler

501 Brown Street
PO Box 1423
Washington Grove, MD 20880

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 15, 2020 4:33 PM
To: 'Patrick@PatCaseyAppraisal.com'
Subject: RE: Proposal SP-8415-2020 DeVol Funeral Home Expansion and New 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.

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: Patrick@PatCaseyAppraisal.com <Patrick@PatCaseyAppraisal.com>
Sent: Tuesday, September 15, 2020 8:38 AM
To: CityHall External Mail <cityhall@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>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>
Cc: CityHall External Mail <cityhall@gaithersburgmd.gov>
Subject: Proposal SP-8415-2020 DeVol Funeral Home Expansion and New Crematorium

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September 15, 2020

Mayor and Gaithersburg City Council
31 S. Summit Ave
Gaithersburg, Maryland 20877

Submitted via Email to:
cityhall@gaithersburgmd.gov
Jud.Ashman@gaithersburgmd.gov
Laurie-Anne.Sayles@gaithersburgmd.gov
Neil.Harris@gaithersburgmd.gov
Michael.Sesma@gaithersburgmd.gov
Ryan.Spiegel@gaithersburgmd.gov
Robert.Wu@gaithersburgmd.gov

RE: **SP-8415-2020**: #10 and #14 East Deer Park Drive, DeVol's Proposed Funeral Home Expansion & new Crematorium

Dear Mayor Ashman and All City Council Members, Laurie-Anne Sayles, Neil Harris, Michael Sesma, Ryan Spiegel, and Robert Wu,

Most development proposals, like DeVol's, contain promises by the developer and/or property owner to the jurisdiction granting approval in return for said approval. These promises are typically called "Proffers" within the development community and are loosely defined as anything of value given by the developer/property owner in return for approval of the proposed development project by the city or county – a quid pro quo.

Therefore this is a request that the City of Gaithersburg disclose for the public hearing record on #SP-8415-2020 any and all "Proffers", meaning anything and everything of value, that the City has received, plans to receive, will receive or has been promised to receive by, from or on behalf of the DeVol Funeral Home, or from or on behalf of Robert DeVol or Kevin DeVol, or their attorneys, employees or from any other persons or entities acting on their behalf or in their stead (The DeVol's).

I also request that the City of Gaithersburg disclose for the public record what, if anything, the DeVol's have promised the City or promised anyone else, to the best of the City's knowledge, in return for the approval by the City of their proposed Funeral Home expansion and new crematorium #SP-8415-2020.

I request this information be disclosed and be a part of the public hearing record immediately and not delayed so that it can be included in the record for consideration in the DeVol Funeral Home Expansion and New Crematorium development proposal #SP-8415-2020. Should all the requested information not be available prior to the closure of the public hearing deadline then I request that the public hearing period for this project be extended until such time as all the requested information is available and has been inserted into the public hearing record for #SP-8415-2020.

Furthermore, this is also my request that the City reject the DeVol proposal SP-8415-2020 in its entirety, but especially reject the request for the crematorium which is clearly an industrial use and which obviously has no place in a residential community.

Thank you,
Patrick Casey CGA
A Gaithersburg City Resident

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 15, 2020 4:35 PM
To: 'NAN AITEL-THOMPSON'
Subject: RE: Crematorium proposal violates zoning and public safety requirements

Good Afternoon,

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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@gaitersburgmd.gov

From: NAN AITEL-THOMPSON <nan8lt@verizon.net>
Sent: Tuesday, September 15, 2020 1:33 PM
To: Jud Ashman <Jud.Ashman@gaitersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaitersburgmd.gov>; Neil Harris <Neil.Harris@gaitersburgmd.gov>; Michael Sesma <michael.sesma@gaitersburgmd.gov>; Robert..Wu@gaitersburgmd.gov; Ryan Spiegel <ryan.spiegel@gaitersburgmd.gov>; Planning External Mailing <Planning@gaitersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaitersburgmd.gov>; Dennis Enslinger <Dennis.Enslinger@gaitersburgmd.gov>
Subject: Crematorium proposal violates zoning and public safety requirements

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September 15, 2020

Honorable Jud Ashman
Members of the City Council
City of Gaithersburg
31 S. Summit Ave
Gaithersburg, MD 20877

Re: DeVol crematorium proposal violates zoning and public safety requirements

Dear Mayor Ashman and Council Members,

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First, this site violates the Corridor Development zoning ordinances.

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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.

Sincerely,

Nan Aitel-Thompson
416 5th Avenue
PO Box 1189
Washington Grove, MD 20880

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 15, 2020 4:39 PM
To: 'Jan Davis'
Subject: RE: [washingtongrove] Fwd: Crematorium proposal violates zoning and public safety requirements

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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: Jan Davis <davisjan304@gmail.com>
Sent: Tuesday, September 15, 2020 1:59 PM
To: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Robert.Wu@gaithersburgmd.go
Cc: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>; Dennis Enslinger <Dennis.Enslinger@gaithersburgmd.gov>
Subject: Fwd: [washingtongrove] Fwd: Crematorium proposal violates zoning and public safety requirements

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Council members:

I am writing to request that the City of Gaithersburg act to prevent a proposed crematorium on Deerpark Rd. I am forwarding a letter sent to you by Ms. Shelley Winkler as i am in agreement with all that she states in her letter.

Have a good day

/s/

Jan Davis

207 Washington Grove lane

PO Box 1183

Washington Grove, Md 20880

----- Forwarded message -----

From: **Shelley Winkler** stopwink@gmail.com [washingtongrove] <washingtongrove@yahoogroups.com>
Date: Tue, Sep 15, 2020 at 12:59 PM
Subject: [washingtongrove] Fwd: Crematorium proposal violates zoning and public safety requirements
To: washingtongrove@yahoogroups.com <washingtongrove@yahoogroups.com>

Tomorrow by 5pm is the last day to get your comments in -- I used Christine's amazing work to copy and paste and create my letter.

Shelley

----- Forwarded message -----

From: **Shelley Winkler** <stopwink@gmail.com>
Date: Tue, Sep 15, 2020 at 12:55 PM
Subject: Crematorium proposal violates zoning and public safety requirements
To: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>, <Laurie-Anne.Sayles@gaithersburgmd.gov>, <Neil.Harris@gaithersburgmd.gov>, <Michael.Sesma@gaithersburgmd.gov>, <Robert.Wu@gaithersburgmd.gov>, <Ryan.Spiegel@gaithersburgmd.gov>
Cc: <planning@gaithersburgmd.gov>, <jasmine.forbes@gaithersburgmd.gov>, Dennis Enslinger <dennis.enslinger@gaithersburgmd.gov>

September 15, 2020

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Members of the City Council
City of Gaithersburg
31 S. Summit Ave
Gaithersburg, MD 20877

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Sincerely,

Shelley Winkler

501 Brown Street
PO Box 1423
Washington Grove, MD 20880

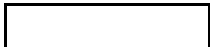
Posted by: Shelley Winkler <stopwink@gmail.com>

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Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 15, 2020 4:41 PM
To: 'Virginia Quesada'
Subject: RE: Crematorium proposal violates zoning and public safety requirements

Good Afternoon,

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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: Virginia Quesada <vq@qmediainc.com>
Sent: Tuesday, September 15, 2020 2:27 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>; Robert Wu <robert.wu@gaithersburgmd.gov>; Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>; Dennis Enslinger <Dennis.Enslinger@gaithersburgmd.gov>
Subject: Crematorium proposal violates zoning and public safety requirements

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September 15, 2020

Honorable Jud Ashman
Members of the City Council
City of Gaithersburg
31 S. Summit Ave
Gaithersburg, MD 20877

Re: DeVol crematorium proposal violates zoning and public safety requirements

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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.

Sincerely,

Virginia Quesada
400 Center Street
P.O. Box 1070
Washington Grove, MD 20880

Jasmine Forbes

From: Jasmine Forbes
Sent: Tuesday, September 15, 2020 4:45 PM
To: Jasmine Forbes
Subject: FW: [Oldetowne] Unintended consequences possible from crematory app

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

From: Judith Christensen via Oldetowne <oldetowne@gaithersburg-list.net>
To: oldetowne@gaithersburg-list.net list <oldetowne@gaithersburg-list.net>
Sent: Fri, Sep 11, 2020 6:56 pm
Subject: [Oldetowne] Unintended consequences possible from crematory app

Beware of Unintended Consequences. Do you think a crematory is only a Deer Park community problem? Think again.

Crematories did not exist in Gaithersburg prior to the DeVol application. No definition for “crematory” is found in the Gaithersburg Municipal Code, and “crematory” is not listed as a permitted use in any zone. This application should have been immediately rejected since the use was not permitted in any zone. But the applicant’s attorney interprets Gaithersburg’s definition of a funeral home to include cremation as preparation for final disposition, not the final disposition. Gaithersburg’s definition of a funeral home is a place with” facilities for the preparation of such bodies (dead human bodies) for burial or other final disposition....” This interpretation is highly debatable. If this interpretation is sustained, it will have some unintended consequences. Crematoria in funeral homes will become a permitted use by right in three other zones: The Corridor Development zone, CD, like the Frederick Avenue Corridor, the Central Business District zone, CBD, like Olde Towne, the C2 Commercial Zone which is most shopping centers and by special exception in Mixed Use Development (MXD) residential/commercial areas like Kentlands, Lakelands, Crown, and many other neighborhoods. This new use in these zones has not been advertised nor have customary public hearings been held. This proposed zoning change is totally administrative with no public participation. I suspect this will be found to be illegal for lack of due process. The Mayor and City Council will hold their record open until 5 pm on September 16, 2020, with anticipated policy discussion and final action on October 5, 2020. Comments on this application may either be mailed to: 31 South Summit Avenue, Gaithersburg, MD, 20877, or emailed to planning@gaithersburgmd.gov. Gaithersburg Mayor and Council

Oldetowne mailing list
Oldetowne@gaithersburg-list.net
http://gaithersburg-list.net/mailman/listinfo/oldetowne_gaithersburg-list.net



Scott C. Wallace
301.517.4813
swallace@milesstockbridge.com

September 15, 2020

Mr. Jud Ashman, Mayor,
and Members of the Gaithersburg City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2038

Re: DeVol Funeral Home – 10 and 14 East Deer Park Drive (the “Property”) –
Concept Plan SP-8415-2020 (the “Concept Plan”)

Dear Mayor Ashman and Council Members:

This office represents DeVol Enterprises, Inc., the owner of the DeVol Funeral Home (“DeVol”) and applicant for the referenced Concept Plan application. The Concept Plan seeks approval to convert an existing house on the Property into a funeral home with viewing parlors and accessory cremation services and to add parking spaces on the Property (the “Project”). At the August 17th Mayor and Council meeting, the Council voted to hold the record open until September 16, 2020 to allow for DeVol to host a virtual informational community meeting on the Project. The community meeting was held on September 9, 2020. In order to allow the Project team adequate time to thoroughly review and respond to community comments and questions raised at the September 9th meeting and in subsequent submissions to the City, the purpose of this letter is to request the public record on the Concept Plan be reopened to October 7, 2020 and the anticipated policy discussion to be held on November 2, 2020. These dates have been coordinated with City staff.

Thank you for your consideration of this request. Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads 'Scott C. Wallace/KDM'.

Scott C. Wallace

cc: Mr. Greg Mann
Ms. Jasmine Forbes
Mr. Robert DeVol
Carol Lynn Green, Esq.

115177\000001\4825-7186-9899.v1