

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:13 AM
To: 'Sherri Hendry'
Subject: RE: DeVol Funeral Home Crematorium - 14 East Deer Park Drive

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@gaitersburgmd.gov

From: Sherri Hendry <hendry9113@verizon.net>
Sent: Tuesday, September 15, 2020 5:23 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>; Ryan Spiegel <ryan.spiegel@gaitersburgmd.gov>; Robert Wu <robert.wu@gaitersburgmd.gov>
Cc: Planning External Mailing <Planning@gaitersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaitersburgmd.gov>; bookloverjs@yahoo.com
Subject: DeVol Funeral Home Crematorium - 14 East Deer Park Drive

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

9/15/2020

Good Afternoon - Mayor, Council members, City Staff

The purpose of the e-mail is to protest the proposed application for DeVol Funeral Home to install a Crematorium at 14 East Deer Park Drive.

We are very concerned about the adverse affects of health and safety to neighboring communities. In about a mile there are 3 elementary schools, and 1 high school. Having such a facility may cause potential health of our children who are already at risk with the outbreak of COVID 19. And not to mention the increased health risks to our older residences who live in and around the crematory's location. There are also a number of home daycare facilities in the area as well.

Also there is concern as to what the proposed facility will do to the environment. As we all try to do better in our everyday life, what about the gasses and chemicals that will be coming from the crematory do to our already fragile eco system? The Muddy Branch Stream runs nearby this property.

And concerns about property values. The Gaithersburg area is just getting back on its feet with the housing market after being slammed in previous years by the economy. Having a crematorium will only reflect negatively on our property values.

Lastly, please think about this.....do you really want, a half a mile from the "Welcome to Gaithersburg" sign on 355 - a crematorium to welcome visitors and new residents? Seriously?

Crematories belong in a zoned industrial commercial setting, **NOT** in a residential setting.

Please vote **NO** on this proposed application.

Thank you.

Bob and Sherri Hendry
9113 Rosemont Drive
Gaithersburg, Maryland 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:23 AM
To: 'Mitch Yoshida'
Subject: RE: DeVol Crematorium 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



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Planning and Code Administration

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Jasmine.Forbes@gaitthersburgmd.gov

From: Mitch Yoshida <mt Yoshida@gmail.com>
Sent: Tuesday, September 15, 2020 7:28 PM
To: Jasmine Forbes <Jasmine.Forbes@gaitthersburgmd.gov>
Subject: DeVol Crematorium Application SP-8415-2020

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

Dear Planner Jasmine Forbes,

I am writing to voice my opposition to DeVol Crematorium application SP-8415-2020.

The construction of a crematorium in my highly populated residential neighborhood - which is also home to an elementary school, a high school, and public parks - poses a real health risk to a large number of children and adults in this town.

Crematorium emissions in such close proximity are widely recognized to have negative health effects, both by the scientific community and governments at the federal, state, county, and town levels. These emissions include mercury and dioxins, both of which have been shown to cause serious birth defects and organ damage in adults.

I urge you to reject this application to protect the health of a large number of people living in Gaithersburg. Thank you for your service to the town.

Sincerely,

Mitch Yoshida
117 Goucher Terrace
Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:28 AM
To: 'Claire Luton'
Subject: RE: Application Number 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

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: Claire Luton <csluton@yahoo.com>
Sent: Tuesday, September 15, 2020 8:09 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>;
Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Cc: 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>
Subject: Application Number SP-8415-2020

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Dear Mayor, Council, and Planner;

We live in the City of Gaithersburg and are concerned that DeVol Funeral Home is requesting a crematorium at their Deer Park location. We believe the location is too close to city residences, parks, and schools and should be located in an industrial zone.

We hope you will make the right decision and vote NO on the proposed application for DeVol Funeral Home Crematorium addition (application number SP-8415-2020.)

Sincerely,

Claire S. Luton

Michael Luton
104 Harmony Hall Rd
Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:31 AM
To: 'Robert Mitton'
Subject: RE: 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: Robert Mitton <docmit00@gmail.com>
Sent: Tuesday, September 15, 2020 8:38 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>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: Devol Crematorium

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Mayor Ashman and council members,

There is no place in Gaithersburg for a crematorium, especially in the location being considered. I do not know zoning laws; however, putting a crematorium (which is industrial in nature) in a residential area makes no sense. I see no benefits to the city of Gaithersburg whatsoever. I only see problems: air quality issues, eye-sore look, more traffic, lower property values, etc.

Why are you even considering this? As mayor, what is the benefit to you and the council members? How close do you live to Devol?

If Devol is allowed to put the crematorium on Deer Park, I will never vote for you nor any of the incumbent city council members. In fact, I will actively campaign against each of you and promote anyone who runs against each of you. This is a fact.

Do the right thing and stop this proposal Now!

Dr. Robert Mitton
Rosemont community

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:39 AM
To: 'Carol Johnson'
Subject: RE: SP-8415-2020

Good Morning,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your letter 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: Carol Johnson <carolsimsjohnson@gmail.com>
Sent: Tuesday, September 15, 2020 9:19 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: SP-8415-2020

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

Hi Jasmine, I sent this to the Mayor and City Council, and I'd like you to take a look as well on behalf of the Planning Commission.
thank you, Carol

15 September 2020

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

RE: **SP-8415-2020**: #10 and #14 East Deer Park Drive, DeVol's Proposed Crematorium.

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

In this letter I want to summarize what I see as key points regarding the proposed crematorium at 14 East Deer Park Drive.

1. The definition of a funeral home in the City Code does not discuss cremation of human remains; in fact, a search of cremation or related terms does not exist in the City Code. Because a crematorium is widely recognized as distinct and unique function from a funeral home, the City must disallow the proposal until and when the City develops the relevant Code.
2. Cremation is final disposition, not a method of preparing a body for final disposition. Therefore, according to City Code, a funeral home is not allowed to cremate bodies, as the Code states "space and facilities for the *preparation* of bodies for burial or other final disposition;..." (emphasis added). If the City approves SP-8415-2020, they will be in violation of the City Code. For this reason, the proposal must be denied.
3. 14 East Deer Park is zoned CD. Industrial use is prohibited in the CD zone. The incinerator will operate at roughly 982°C (1800°F), require licensing and inspection by the Maryland Department of the Environment, require internal monitors of emissions, contribute to global warming through the use of fossil fuels, and release various waste products into the atmosphere. The process produces a product through a licensed operation using high temperature furnaces. Therefore, the crematorium satisfies the definition of industrial use and is therefore prohibited in the CD zone. For this reason, the proposal must be denied.
4. The process is not benign, and the emitted compounds (sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide) and particulates are hazardous to living beings and the environment. There are no scrubbers planned for the smokestack, and the public is asked to rely upon a monitoring system (details undisclosed) that is built into the incinerator to ensure there are no adverse effects. That is, there is no independent monitoring of the surrounding atmosphere. Hazardous metals such as mercury that may be present in the body will pollute the atmosphere and injure persons. I refer you to "Round-the-Clock Cremations Stoke Mercury Fears for Neighborhoods", Bloomberg Law, May 15, 2020 06:00" which stated that according to the EPA, cremations were responsible for 5.5% of the nation's mercury emissions in 2017. Frequently as part of cancer treatments, the patient is treated with radiopharmaceutical (radionuclides) which

will be vaporized during cremation, which subsequently contaminate the facility and possibly the operator. There are documented cases of this occurring, see Nathan Y Yu, et al., 2019, "Radiation contamination following cremation of a deceased patient treated with a radiopharmaceutical," JAMA, 321(8), 719-812. Because of the proximity of the proposed crematorium to residences and multi-family apartment complexes, home to adults and small children alike, and because we cannot be assured that proper precautions will be taken or that the emissions will meet the planned levels, this proposal must be denied.

5. The possibility of fire and release of human remains into the environment is finite. This is a risk the applicant has not considered and when asked did not have a satisfactory answer. I refer you to one example case: Fire at Stamford funeral home caused by a malfunctioning crematory chamber, blamed on high demand from COVID-19 (Stamford Advocate, April 7, 2020, 5:07 pm "Fire erupts from crematorium at Stamford funeral home." Given this would be a disaster for the City, the proposal should include a full risk assessment and plans for reducing the fire risk, and should the City ever allow a crematorium within its border, the City should limit the number of cremations and set up procedures to inspect the facility for faulty equipment.

I hope I have convinced you to take a careful look for yourselves regarding this issue and not rely on the applicant's information, which is misleading and in some cases, completely incorrect.

Regards,

B. Carol Johnson
405 Gaither St
Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:44 AM
To: 'Kathryn George'
Subject: RE: Comments re: DeVol planned crematorium - Sept 16

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@gaitthersburgmd.gov

From: Kathryn George <kay.george@verizon.net>
Sent: Wednesday, September 16, 2020 9:07 AM
To: Jud Ashman <Jud.Ashman@gaitthersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaitthersburgmd.gov>; Neil Harris <Neil.Harris@gaitthersburgmd.gov>; Michael Sesma <michael.sesma@gaitthersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaitthersburgmd.gov>; Robert Wu <robert.wu@gaitthersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaitthersburgmd.gov>
Subject: Comments re: DeVol planned crematorium - Sept 16

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

Enclosed is a 16-page letter, which includes a 3-page executive summary, re: DeVol Funeral Home Proposed Crematorium at 14 East Deer Park Dr. This is Concept Site Plan SP-8415-2020.

I am emailing the mayor and council and responsible planner. Thank you for your attention.

Sincerely,

Kathryn George
16625 Alden Av
Gaithersburg MD 20877-1503
301-869-4948
kay.george@verizon.net

^^^^^^^^^^^^^^^^ last line ^^^^^^^^^^^^^

September 15, 2020

Mayor Jud Ashman
31 South Summit Ave
Gaithersburg MD 20877
301-258-6300
Jud.Ashman@gaitthersburgmd.gov

Dear Sir,

I am writing regarding Concept Site Plan: SP-8415-2020, which is a proposed crematorium sponsored by DeVol Funeral Home for 14 East Deer Park Dr., Gaithersburg. Since my letter is several pages, I am inserting an executive summary and conclusions up front. But I encourage you to read the balance of the paper with supporting facts and more detailed conclusion.

1) Residential Neighborhood: With Concept Site Plan: SP-8415-2020, DeVol Funeral Home is proposing to build and operate a crematorium for 14 East Deer Park Dr., located next door to their existing funeral home at 10 East Deer Park Dr. Both properties are zoned CD or Corridor Development. Many properties adjoining and nearby are zoned residential, as R-90 or R-A.

2) Processing Involved in a Crematorium: When a deceased person is ready to be cremated, medical devices and prosthetics and any jewelry are removed. The body is slid into the brick-lined primary chamber of the crematorium, where a burner in the roof heats the chamber to 1,200 oF and the body is held for 1.5 to 2 hours. Resulting gases and particulates travel to the after-chamber, with temperatures of 1,700 oF, where gases are held for at least one second [a very short time], to ensure particulates and odor are negligible. Problems arise if the volume of gases becomes too great for the after-chamber to handle and it overflows, sending smoke and odor out the stack.

3) Triple the Volume for April 2020 Emergency Processing in metro NY City: Per April 16, 2020 Wall Street Journal, with Covid19, volume tripled. Regulators are letting crematoriums operate 24 hours a day, seven days a week.

4) and 5) Land Use Zoning for Crematoriums in Montgomery County MD: Pumphrey Funeral Home, at 7557 Wisconsin Ave., Bethesda MD 20814, added a cremation unit to its funeral home in 1987 (per Pumphrey web-site). Zoning was approved over 30 years ago and is now grandfathered. Currently, in Montgomery County, crematoriums are zoned IH (Industrial Heavy). See Article 59-3 and Section 3.5.4.B and 3.5.4.

6) Industrial Land Use Zoning in Gaithersburg MD: There are NO heavy industrial zones in Gaithersburg. Planners and the Council created by Division 14, the I-1 or Light Industrial zone; by Division 16, the I-4 or General Industrial zone; by Division 18, the E-2 or Moderate Intensity Industrial Park zone; and by Division 15, the I-3 or Industrial or Office Park zone. Light Industrial involves a) office and research; b) entertainment and recreational; c) manufacture,

assembly, and processing; d) retail and wholesale; e) services; f) transportation; g) warehousing and distribution; and h) other uses. General Industrial includes all uses in I-1 plus bulk storage and sales distribution of petroleum and chemical products.

7) and 8) Funeral Home Zoning in Gaithersburg: By Article 1. In General, and Section 24-1 Definitions of the Gaithersburg Zoning regulations, a "funeral home" is described 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 ...; rooms or space for administrative offices ...; 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 Emergency ambulance service shall not be provided from the building."

9) and 10) Cremation vs. Traditional Burial: Cremation has become more popular as compared to traditional burial at a cemetery. It grew from about 10% in 1980, to about 50% in 2018, to a projected 75% in 2035, per National Cremation Association of North America. Cremation is less expensive, faster, and some perceive it as environmentally friendly. Cremation is performed by facilities located at large cemeteries; by stand-alone crematories located in industrial zoning; and sometimes by crematories at a funeral home.

11) Is Cremation allowed in the CD Zone? In Gaithersburg, the CD (Corridor Development) Zone allows all uses listed as permitted (and not special exceptions or conditional) in all zoning districts with certain exceptions. The exceptions not permitted in the CD Zone include rendering or refining of fat or oil, compounding of articles using bone or shell, or manufacture of products using kilns fired by electricity or gas. Do any of these exceptions that are not permitted apply to cremation?

12) and 13) Proposed Production Volume? DeVol owns two funeral homes - one in Gaithersburg at 10 East Deer Park, Gaithersburg 20877 and one in Georgetown, at 2222 Wisconsin Av NW, Washington DC 20007. At the September 09, 2020 Virtual meeting, Mr. DeVol said his funeral home handled about 325 funerals per year. Of these about 40% of families or 145 selected cremation. (It is thought 325 and 145 refer to the total from both funeral homes.)

For the near future, when the crematorium is up and operating, Mr. DeVol said (09/09/20 mtg) that he might start at about 250 cremations per year. This would grow to about 400 per year or about eight per week.

14) Is cremation an accessory use to a funeral home's primary function? What if one crematory handles bodies from two funeral homes? If bodies are shipped from Georgetown to Gaithersburg, is not the Gaithersburg crematorium then a primary use? Accessory use is not well-defined. But for I-1 or Light Industrial zoning, an accessory use is said to be "Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use."

At the September 19 Virtual Neighborhood Meeting, Mr. DeVol said there was no room to install a crematorium at his funeral home in Georgetown. One further may assume it would not meet Washington DC air pollution or zoning requirements.

Here one may ask if sending deceased Georgetown bodies to Gaithersburg to be cremated means that the Gaithersburg crematorium is a primary use? If 400 people are cremated per year, with 200 from Georgetown and 200 from Gaithersburg, they might comprise 65% of 600 total deceased people handled per year. That leaves 200 deceased people with traditional funerals - say half or 100 in Georgetown and half in Gaithersburg.

The Gaithersburg crematory if it handles 400 deceased people/year would seem to be another primary use. About half (or more?) of the bodies will be shipped to Gaithersburg from Georgetown. This is not an accessory use to the Gaithersburg funeral home. It is not incidental and subordinate to the Gaithersburg funeral home.

15) Conclusions. Assuming DeVol handles 400 cremated bodies per year, all at the Gaithersburg crematorium, with half from Georgetown and half from Gaithersburg, then the Gaithersburg crematorium is no longer an accessory or associated use to the Gaithersburg funeral home. It is not incidental and subordinate.

The Gaithersburg crematorium would be another primary use. It is equal to or greater than the Gaithersburg funeral home. Consequently, the DeVol Crematorium at 14 East Deer Park Dr, Gaithersburg ought to be turned down.

Perhaps DeVol management can locate a crematorium facility in a location with more space around it, that is not close to residential houses. They might throw in with other funeral homes facing similar trends and build a third party crematorium in a heavy industrial zone elsewhere in Maryland. Or they might buy or build a third funeral home, located in an industrial zone, in another city, and build the crematorium by it. However, Gaithersburg Maryland, by schools, homes, and apartments, is the wrong location.

Should you have any questions, please feel free to contact me at the phone or email on the last page of this letter. Thank you for your attention.

1) Located Near Large, Zoned Residential Neighborhoods. Both the proposed crematorium at 14 and the existing funeral home at 10 East Deer Park Dr are located in Gaithersburg and are zoned CD, or Corridor Development. The CD Zone applies to several properties along Rt 355.

By checking Gaithersburg Zoning Map dated January 03, 2019, one sees that properties east and just south of DeVol funeral Home are zoned R-A, for low-density residential with density not specified. Many properties to the southeast comprise the Walnut Hill neighborhood, which seems to be located in Montgomery County (not City of Gaithersburg) and to be zoned R-90 for medium-density residential at three (3) dwelling units/acre. Properties immediately across East Deer Park Dr and north of the funeral home are also zoned CD, with one R-B. Many properties

to the northeast comprise the East Deer Park neighborhood and are zoned R-90.

West of the funeral home near West Deer Park Dr are apartments and an office building zoned CD. To the Southwest is the Rosemont neighborhood, which is zoned R-A, and where part of the neighborhood is located in Gaithersburg and part is in Montgomery County. Accordingly, it is clear that both 10 and 14 East Deer Park Dr are located near large residential areas. If one checks the Gaithersburg Zoning Development Requirement Matrix ID=5640, it shows that CD Zone facilities are required to have a minimum setback of 15 feet, if adjoining a residential zone, which an observer might say is a low bar.

2) Processing Involved in a Crematorium. See

<https://www.popularmechanics.com/science/health/a18923323/cremation/> for an article, titled "Burning Out: What Really Happens Inside a Crematorium," by Caren Chesler, dated March 01, 2018 and updated November 2019. This article offers a layman's description of the cremation process and includes as an example the Rosedale-Rosehill Cemetery in Linden, Union County, NJ, near New York City. Find-a-grave says they have over 1.35 million memorials there, with many traditional burials, but some as cremation urns containing ashes. Cremation began to be offered 100 years ago (per web-site), but has been greatly expanded recently.

"Rosehill charges just \$190 to cremate a body, although the funeral home charges extra for the urn, flowers, and service. [Burial in] a grave, by contrast, can cost \$2,500, plus an additional \$1,900 to open the ground with a backhoe. Rosehill ... now cremates about 30 bodies a day using six cremation units, and has been expanding its facility to meet the growing demand. (page 3 of 19)." It operates eight hours/day, Monday through Saturday (page 8 of 19).

When a body is ready to be cremated, medical devices and prosthetics and any jewelry are removed. Although the unit door can open to 30 to 36 inches wide, the operator tends to open it only about 12 inches or so to accommodate the body, because wider width allows too much heat to escape. The brick-lined, primary chamber of a crematory is where the body goes and a burner in the roof heats the chamber to 1,200 oF. At Rosehill, "resulting gases and particulates travel into the after-chamber, a 30-foot maze designed to retain the gases for at least one second. The after-chamber subjects the gases to a temperature of 1,700 [oF]... to make sure the particles and odor are negligible before everything goes up the stack and out into the atmosphere (page 6 of 19)."

Next, the remains are cooled. A technician removes metal with a magnet. Remains including bone are pulverized to a fine powder. Ashes are then placed into an urn or other container for the family (page 8 of 19).

In the cremation process, the body is heated sufficiently that solids turn to gas and are combusted. The typical cremation requires about one and one half to two hours. Emissions must be low enough to meet state air pollution control standards, for particulate emissions and other. "Problems arise if the volume of gases (smoke) becomes too great for the after-chamber to process and it overflows.... rule of thumb is that 100 pounds of human fat is the equivalent of 17 gallons of kerosene.... [For a] body that weights 400 pounds.... If you put that person into a very hot machine, as a cremation unit tends to be at the end of the day, the chamber may emit smoke

and odor out of the stack. (page 8 of 19).

3) Triple the Volume for April 2020 Emergency Processing at metro Crematoriums. See the April 16, 2020 Wall Street Journal newspaper story, where volume has tripled at metro New York City crematory facilities. See <https://www.wsj.com/articles/as-coronavirus-deaths-surge-new-york-city-allows-cremations-24-hours-a-day-11585929876?mod=searchresults&page=1&pos=1> . During April 2020 at the height of the Covid19 pandemic, "**regulators are letting [crematories]... operate 24 hours a day, seven days a week.**" The New York Post, on April 04, 2020 said Rosehill Crematory in Linden NJ and other facilities were backed up several days. See <https://nypost.com/2020/04/04/nyc-crematoriums-backed-up-as-coronavirus-deaths-surge/> .

4) What Land Use Zoning Matches Construction and Operation of a Crematorium? Near-by Examples?

DeVol Funeral Home management offers the existing example in Bethesda, Montgomery County, of Pumphrey Funeral Home, which added a cremation facility to its funeral home in 1987 (per Pumphrey web-site). However, for zoning purposes, Pumphrey's Bethesda crematorium was approved over 30 years ago and is now grandfathered. Pumphrey operates two funeral homes, at 7557 Wisconsin Ave., Bethesda, MD 20814 with the crematorium, and at 300 W. Montgomery Ave. Rockville, MD 20850. In the Hindu and Buddhist faiths, the family sometimes wants to witness the beginning of the cremation or allow the oldest son to initiate it and Pumphrey accommodates this.

But since its crematorium was built 33 years ago and its zoning is grandfathered, the Pumphrey Bethesda facility is not a relevant example for today.

5) Current Land Use Zoning of Crematoriums in Montgomery County, MD?

Montgomery County Maryland now zones crematoriums as IH for Industrial Heavy and C for Conditional Use (not Limited Use).

Specifically, for Funeral and Interment Services and zoning regulations, see http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc . This applies to Chap. 59, Montgomery County Zoning. Then, see Article 59-3, Uses and Use Standards. Within that, see Section 3.1.6 and look at the Use Table, where Crematorium is defined, very simply, as 3.5.4.B and it is zoned as IH and C.

Under Commercial Uses, with Section 3.5.4. Funeral and Interment Services are described as:

Bookmark A. Cemetery [not described in this 09/15/2020 letter.]

Bookmark B. Crematory

1. Defined. Crematory means a structure in which cremation occurs.
2. Use Standards. Where a Crematory is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use.

Bookmark C. Funeral Home, Undertaker

1. Defined. Funeral Home, Undertaker means a facility that holds and transports human

remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

2. Use Standards

- a. Where a Funeral Home, Undertaker is allowed as a limited use, it must satisfy the following standards:
 - i. The cremation of remains is prohibited.
 - ii. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.
 - iii. If public water and sewer are available they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
 - iv. Queuing of motor vehicles is prohibited in the public right-of-way.
 - v. If the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.
- b. Where a Funeral Home, Undertaker is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 3.5.4.C.2.a.i through Section 3.5.4.C.2.a.iii, Section 7.3.1, Conditional Use, and the following standards:
 - i. The minimum side setback is 50 feet.
 - ii. The minimum rear setback is 50 feet.
 - iii. Frontage upon and access to a street or roadway having more than one through travel lane in each direction of travel.
 - iv. In the RE-2, RE-1, R-200, and R-90 zones, the minimum lot area is 2 acres.
In the AR zone, this use is allowed only where it is operating with a Cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

(Legislative History: Ord. No. 18-08, § 5.)

6) What is the Status of Industrial Land Use Zoning in Gaithersburg MD?

There appear to be NO heavy industrial zones in Gaithersburg. Per Division 14, planners created the I-1 or Light Industrial Zone, as near the airpark. By Division 16, they created I-4 or General Industrial Zone. By Division 18, they created E-2 or Moderate Intensity Industrial Park Zone. By Division 15, they created I-3 or Industrial and Office Park Zone.

Light Industrial Zone uses (div 14) are listed below. After that, General Industrial Zone uses (div 16) are listed. Park Zones are not listed here.

6A) Light Industrial Zone Uses. By Section 24-136, Light Industrial uses permitted by right in Gaithersburg, include the uses set forth below. Ordinance notes are deleted here.:

A. OFFICE AND RESEARCH USES:

- (1) Clinic, medical or dental.
- (2) General office.
- (3) Research, experimental or testing laboratories.

B. CULTURAL, ENTERTAINMENT AND RECREATIONAL:

- (1) Health clubs.
- (2) Libraries, science or technical.
- (3) Place of religious worship.
- (4) Outdoor amusement and recreational facilities, carnivals and fairs.
- (5) Adult-oriented businesses subject to the following requirements.

C. PRODUCTION/MANUFACTURING/ASSEMBLY/PROCESSING:

- (1) Aircraft/satellite parts.
- (2) Bottling plant, such as dairy and soft drink products.
- (3) Cabinetmaking/carpentry.
- (4) Cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.
- (5) Electroplating and manufacturing of small parts, such as coils, condensers, transformers and crystal holders.
- (6) Ice manufacturing and storage plant.
- (7) Lumber yard, including planing, milling and other processing.
- (8) Machine parts, components, instruments and devices.
- (9) Machine tools manufacture, scientific and testing apparatus.
- (10) Manufacture, compounding, processing or packaging of food and food products, other than vinegar and yeast, but not including the rendering or refining of fat or oil, or the production of cosmetics, toiletries or pharmaceuticals or the operation of abattoirs.
- (11) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semiprecious metals or stones, rubber, textiles or cloth products, tobacco or wood or wood products.
- (12) Manufacture of ceramic products, excluding building materials, using only previously pulverized clay and kilns fired by electricity or gas.
- (13) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products and office equipment.
- (14) Medical, scientific or technical instruments, devices and equipment.
- (15) Metal and steel fabricators.
- (16) Modular/mobile homes.
- (17) Paint without boiling.
- (18) Paper products.
- (19) Semiconductors, microchips, circuits and circuit boards.
- (20) Stoneworks.
- (21) Yeast, mold and other natural products necessary for medical and biotechnical research and development.

D. RETAIL AND WHOLESALERS:

- (1) Aircraft parts and service.
- (2) Antiques.
- (3) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, and contractors' equipment storage yard and plant.
- (4) Bakers, including the retail sale of goods baked on the premises.

- (5) Computers and accessories.
- (6) Furniture.
- (7) Home improvement suppliers and distributors, selling or distributing hardware, plumbing supplies, paint, wallpaper, lighting fixtures, carpet, garden supplies, plant nursery products and furniture.
- (8) Personal services for employees.
- (9) Pet/livestock feeds.

E. SERVICES:

- (1) Automobile, truck and transport vehicle rental.
- (2) Blacksmith.
- (3) Cabinet shops, upholstery shops and fabric shops.
- (4) Dry cleaning.
- (5) Duplicating.
- (6) Laundry plants.
- (7) Motor vehicle paint and repair shops and sale of motor vehicle parts.
- (8) Motor vehicle upholstery.
- (9) Plumbing, heating and air conditioning distribution and repair.
- (10) Printing and publishing.
- (11) Tin smithing/roofing.
- (12) Trade/technical schools.

F. TRANSPORTATION, COMMUNICATION AND UTILITIES:

- (1) Electric power transmission and distribution lines, overhead and underground.
- (2) Public utility uses, such as electric substations, storage or material and trucks, repair facilities, offices and electric generating plants.
- (3) Railroad tracks.
- (4) Telephone and telegraph lines.
- (5) Telephone offices, communications and telecommunications centers.
- (6) Telecommunications facilities, subject to the requirements of section 24-167A(D)(1).
- (7) Trucking terminals.
- (8) Small cell telecommunications facilities, subject to the requirements of section 24-167A(E).

G. WAREHOUSING, STORAGE AND DISTRIBUTION:

- (1) Wholesale businesses, self-service storage facilities, warehouses and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other inflammable, explosive or noxious materials.

H. OTHER USES:

- (1) Accessory uses:
 - (a) Retail sales of products manufactured on the premises.
 - (b) Living quarters for owners, caretakers or watchmen and their families.
 - (c) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.
- (2) Accessory structures must conform to requirement of section 24-163 of this Code.
- (3) Agricultural uses.

- (4) Bed and breakfast, subject to the requirements contained in section 24-167B.
- (5) Off-street parking.
- (6) Pipelines.
- (7) Public buildings and uses.
- (8) Satellite television antennas and towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or both, subject to the provisions of section 24-167A of this Code.
- (9) Fortunetelling businesses.
- (10) Child and/or adult day care centers.

By Section 24-136A, special exception uses for Light Industrial include:

- (1) Alcoholic beverage manufacturing.
- (2) Animal boarding places.
- (3) Automobile sales, retail and wholesale.
- (4) Hospital.
- (5) Motor vehicle assembly.
- (6) Private clubs.
- (7) Veterinary hospitals and clinics.
- (8) Tattoo parlors and body piercing establishments subject to the ... requirements [specified but not listed with this 09/15/2020 letter]

Other regulations pertaining to light industrial zoning are listed below.

Sec. 24-137. - Applicability of division to lands shown on zoning maps as I-2 Zone.

Land shown on the official zoning map of the city in the I-2 Zone shall be governed by the regulations contained in this division.

Sec. 24-138. - Minimum lot width.

Lots in the I-1 Zone shall have a minimum width of fifty (50) feet; provided, however, that any building in excess of fifteen (15) feet in height shall be on a lot with a minimum width of seventy (70) feet. Where a lot is a corner lot, or through lot containing frontage on more than one public street, the front of the lot for the purposes of determining conformance with this requirement shall be the portion of the lot with the most immediate and direct access to a public street.

Sec. 24-139. - Setback requirements.

Where land in the I-1 Zone adjoins a lot line of land zoned residential and containing a residential dwelling unit, no building in this zone shall be constructed within seventy-five (75) feet of such lot line.

Sec. 24-139A. - Development standards when abutting residential uses.

Even if not otherwise developing property under the TND option [Traditional Neighborhood Design] as allowed in Section 24-141(C) herein, the following development standards shall apply to uses in the I-1 zone when such properties either abut or are adjacent to property used for residential use:

1. Buildings and structures shall be setback a minimum of seventy-five (75) feet from any property line, with the exception of all front yards, which shall have a thirty (30) foot

minimum setback.

2. Buildings shall not exceed forty-five (45) feet in height.
3. Development shall be generally compatible with existing, developed portions of surrounding properties.
4. The design code requirements of the TND option, set forth in section 24-22.3(f) shall apply, any references to minimum unit numbers therein notwithstanding.

Sec. 24-140. - Height restrictions.

The maximum height of buildings in the I-1 Zone shall be forty-five (45) feet.

Sec. 24-141. - Maximum lot coverage.

No more than seventy-five (75) percent of any lot in the I-1 Zone may be occupied by buildings.

Sec. 24-141A. - Frontage and access requirements.

Buildings constructed on I-1 zoned land containing an aggregate gross floor area of twenty thousand (20,000) square feet or more shall be located on a lot having not less than seventy-five (75) feet of frontage upon an improved public roadway and direct access to that roadway.

Sec. 24-141B. - Open storage restrictions.

The open storage in any yard area of goods, materials or equipment for sale or lease off-site shall be upon areas designated in an approved site plan and shall be enclosed by a sight-tight fence or planted material not less than six (6) feet in height.

Sec. 24-141C. - Reserved.

[***** last line for I-1 Zone, Light Industrial. *****]

6B) General Industrial Zone Uses. By Section 24-150A, General Industrial uses permitted in Gaithersburg are set forth below. Ordinance notes are deleted here.:

- (1) All uses permitted in the I-1 Zone, section 24-136.
- (2) Bulk storage and sales distribution of petroleum or chemical products, but not including the refining, processing or manufacture of such products.

Other regulations pertaining to general industrial zoning are listed below.

Sec. 24-150B. - Development and use standards.

- (1) All uses permitted in section 24-150A(1) shall be governed by the provisions set forth in sections 24-138 through 24-141.
- (2) The following standards and requirements shall apply to those uses permitted pursuant to section 24-150A(2):
 - (a) Minimum lot width shall be one hundred (100) feet.
 - (b) No building or structure shall be erected or maintained within thirty (30) feet of any property line or within two hundred (200) feet of any residential building.
 - (c) No building or structure shall exceed forty-five (45) feet in height.
 - (d) No more than fifty (50) percent of any lot or parcel may be occupied with buildings or structures.
 - (e) Such structures and uses must conform to the standards and requirements of the Fire Safety Code of Montgomery County and the Basic Building Code, as adopted by the city,

including the provision of adequate safety and firefighting devices.

(f) The use shall not result in the emission of fumes or odors of such intensity as to be detrimental to the health and welfare of the general public.

(g) There shall be no discharge of any petroleum or chemical product stored on the premises at any point into any public or private sewage disposal system or stream or into the ground.

(h) Prior to the issuance of any building or occupancy permit for such use, a site development plan shall be submitted to the city planning commission for its approval in accord with the requirements of Article V of this chapter.

Sec. 24-150C. - Reserved.

[***** last line for I-4 Zone, General Industrial. *****]

7) What Land Use Zoning Applies to Funeral Homes in Gaithersburg?

By Article 1. In General, and Section 24-1 Definitions of the Gaithersburg Zoning regulations, a "funeral home" is described 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 ...; rooms or space for administrative offices ...; rooms or space for the housing of equipment including motor vehicles [e.g., hearse]; living quarters for not more than one family unit who are employees or owners Emergency ambulance service shall not be provided from the building."

8) What does this mean for, say, a traditional burial with full-length casket at a cemetery?

For a traditional funeral, if an older family member dies of pneumonia, say, after two days at the hospital, the family calls the funeral home and asks them to take the body. The funeral home might refrigerate remains initially and then performs embalming. The funeral service might be performed from a few days to two weeks after date of death, with arrangements announced in a newspaper death notice and at the church. Specifically, visiting hours might be set, at the funeral home for an evening, then the next day for an afternoon and evening (such as Thursday and Friday), with the body then transported to a church for Saturday morning church funeral.

After the church funeral, if the family plot and cemetery are nearby, the body is taken to the cemetery for burial after the service, with family and friends driving to graveside service. At some cemeteries, a concrete vault is required, which will have been installed a few days before burial. Family and friends may throw flowers on the lowered casket before it is covered with dirt. If the cemetery is in another state and far away, the body is transported by train or plane or other means to another local funeral home (where there may be a second, smaller service for local friends and relatives) and then to the cemetery. A few weeks probably, after the burial, family will ask name and dates to be engraved on the family tombstone or they may order a new tombstone if this is first in the immediate family to die.

9) How does cremation compare to traditional burial?

Cremation has become more widely used when compared to traditional burials at a cemetery. It is less expensive and faster. Some people perceive it as more environmentally friendly.

Furthermore, cemeteries, especially on the east and west coasts, are running out of space.

Whereas cremation accounted for about 10% of death treatment options in 1980, it now accounts for just over 50% (in 2018), per the National Cremation Association of North America. It is projected to account for about 75% by 2035, per the National Cremation Association of North America. (Percentages from Caren Chesler, Popular Mechanics, page 3 of 19 and year 2035 from <https://www.life123.com/article/types-and-costs-of-cremations?ad=dirN&qo=serpIndex&o=740009>, no date.) After cremation, the person's ashes may be buried in a small marked plot at a cemetery or placed in a marked spot in a wall at a columbarium at a cemetery (e.g., at Arlington); or scattered in a park or open area where permitted; or kept at the home of a relative.

10) Who performs cremations now?

At the current time, cremations seem to be performed at a facility located at a large cemetery occupying many acres, as with Rosedale-Rosehill Cemetery in Linden, NJ; or they are performed at a stand-alone crematory located in industrial zoning that performs many cremations for the trade (for various funeral homes); or sometimes at a funeral home, where zoning varies.

11) Is cremation a permitted use in the CD Zone?

In Gaithersburg, in CD zoning (Corridor Development), all uses listed as permitted (and not special exceptions or conditional) in all zoning districts are permitted with certain exceptions. The exceptions not permitted are vehicle repair, storage of heavy landscaping/excavating trucks, pawn shops, pornographic books, tattoo parlors, fortune-telling, self-storage facilities, and production/manufacturing/processing uses described in a portion of Light Industrial zoning under Section 24-136C. The exceptions from Sec 24-136C that are not permitted include electroplating, ice manufacture and storage, a lumber yard, machine parts, machine tools, metal and steel fabricators, modular homes, certain paint, paper products, circuit boards and semiconductors, yeast and mold for medical research.

By section 24-136.C.10, the exceptions that are not permitted in Zone CD include compounding or processing of food products not including the rendering or refining of fat or oil [which are prohibited twice over]. By section 24-136.C.11, the exceptions include manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, By section 24-136.C.12, the exceptions include manufacture of ceramic products ... using only previously pulverized clay and kilns fired by electricity or gas. After cremation, the bone fragments from 1.5 hours of burning in a brick-lined furnace at 1,200 oF are swept up, cooled, pulverized and poured into an urn as ashes. Do any of these exceptions that are not permitted in the CD Zone apply to cremation?

12) What initiated this effort, looking at the past 12 months? How many customer families prefer cremation? How many do not like going to Virginia to watch the process there?

At the September 09, 2020 Virtual Neighborhood Meeting, Mr. DeVol said his funeral home handled about 325 funerals and cremations over the past year. About 40% of families selected cremation or 145.

Here, it may be noted that DeVol owns two funeral homes - one in Gaithersburg at 10 East Deer Park, Gaithersburg 20877. The other is in Georgetown, at 2222 Wisconsin Av NW, Washington

DC 20007. It is by the Naval Observatory. It is unclear if the 325 total number of funerals and cremations refers to both sites. Do the 145 cremations refer to both sites?

Of the 145, families who wanted to watch the cremation were 30% or about 44. Families where someone attended [probably this refers to the case where oldest son or another family member ignites the process] was 7. [It is unclear from where 44 would watch (say, on a deck) and of these, 7 would be somehow closer (basement floor?) to start the process at the Virginia third party crematorium DeVol now uses.]

At the September 09 meeting, Mr. DeVol was asked about lost business. He said there are no formal records. However, about 100 phone calls from potential customers over the past year asked if he had an on-site crematorium, to which he said no.

13) What is proposed production volume at the DeVol crematorium?

At the August 03 2020 Hearing, near the end when answering people's questions, Mr. DeVol said he expected to perform about 150 cremations per year, which were two or three as the maximum per day.

He said he would perform no "outside" cremations - just those for his two funeral homes. He said most funeral homes with cremation units are the same - they work only with their own customers and their families. They do not perform cremations for other funeral homes.

At the September 09, 2020 Virtual Neighborhood Meeting, Mr. DeVol said the crematorium was planned to be operated Mon-Fri, during working hours (approx 9-5 or 10-6). Occasionally, there might be something different. He said he expected to start at 250 cremations per year or less than five/week. He said this might grow with time, in a few years, to be 400/year or about eight per week.

Interestingly, at the September 09, 2020 meeting, one resident asked if Mr. DeVol would declare that he would perform no outside cremations (for other funeral homes) and he would not agree. Perhaps this was a misunderstanding. Or perhaps it was a change of heart.

14) Is cremation an accessory use to a funeral home's primary function? What if one crematory handles bodies from two funeral homes? If bodies are shipped from Georgetown to Gaithersburg, is not the Gaithersburg crematorium then a primary use?

Accessory use is not well-defined in the Gaithersburg Code of Ordinances. With Division 14, for I-1 Zone for Light Industrial, in section 24-136.H.(1)(c) an accessory use is said to be "Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use." The CD Zone incorporates other types of zoning.

For example, DeVol Funeral Home offers a selection of caskets, in pecan, maple and various woods, that the family choosing a traditional funeral may select. As a less expensive item, they offer a set of prayer cards with a picture from nature, a religious figure, or other, on which to print the deceased's name and dates. If 100-200 prayer cards are ordered, they are given to people attending the viewing, the church funeral, and are then mailed with letters to distant relatives. The caskets and cards are clearly accessory uses for a funeral home.

Regarding the cremation process, however, this is obviously a more expensive procedure than buying prayer cards. Further, at the September 19 Virtual Neighborhood Meeting, Mr. DeVol said there was no room to install a crematorium at his funeral home in Georgetown. One further may assume it would not meet Washington DC air pollution or zoning requirements.

Here one may ask if sending deceased Georgetowners to Gaithersburg to be cremated means that the Gaithersburg crematorium is a primary use? If 400 people are cremated per year, with 200 from Georgetown and 200 from Gaithersburg, they might comprise 65% of 600 total deceased people handled per year. That leaves 200 deceased people with traditional funerals - say half or 100 in Georgetown and half in Gaithersburg.

The Gaithersburg crematory if it handles 400 deceased people/year would seem to be a second primary use, where the Gaithersburg funeral home is the first primary use. About half (or more?) of the bodies will be shipped to Gaithersburg from Georgetown. This is not an accessory use to the Gaithersburg funeral home. It is not incidental and subordinate to the Gaithersburg funeral home.

15) Conclusions. In considering the various findings above, I do not think building a crematorium to operate in the middle of several residential neighborhoods in Gaithersburg is prudent. The processing that takes place at a crematorium involves moving the deceased body into a brick-lined furnace heated to 1,200 oF for at least 1.5 hours, with gases sent to an after-burner at 1,700 oF. Industry observers say operating at such high temperatures requires the brick-lined unit to be torn down and rebuilt every 20 years or so. The Pumphrey unit in Bethesda was built and grandfathered in 1987, so its zoning is not relevant today.

Moreover, Montgomery County now requires that crematoriums be built in Heavy Industrial zones; they are not considered an accessory use to a funeral home.

Gaithersburg has a variety of land use zoning, but no heavy industrial. Gaithersburg has I-1 Light Industrial out by the airport and it has I-4 General Industrial which is defined as I-1 plus storage and sale of petroleum and chemical products, but not their refining or manufacture.

Gaithersburg defines a funeral home, by Article 1, Section 24-1, as a building offering a temporary resting place for the dead human bodies pending final disposition. The funeral home includes facilities for preparation of the bodies for burial (e.g., embalming) or other final disposition. It also includes space for administrative offices, a chapel, garage for car or hearse, and living quarters for the owner/manager. Gaithersburg does not define a crematorium, but one planner at the August 03 hearing said it might be an associated or accessory use.

The proposed DeVol crematorium is in a CD (Corridor Development) Zone which permits all uses listed as permitted in all zoning districts with certain exceptions. Exceptions that might be relevant to human cremation relate to section 24-136.C.10 though C.12 and include food processing with rendering of fat or oil [which are prohibited twice over]; compounding or assembling of articles using bone or shell; and manufacture of ceramic products using kilns fired by electricity or gas.

Of larger import is that DeVol owns two funeral homes - in Gaithersburg and in the Georgetown neighborhood of Washington DC. The Georgetown funeral home does not have room for a crematorium. Gaithersburg has room, so deceased Georgetown bodies will be shipped out to the country to Gaithersburg for cremation. Processing volume was estimated, in a few years, to be 400 bodies cremated, at about 65% of a total of 600 people, with say 200 from Georgetown and 200 from Gaithersburg. This leaves about 200 traditional funerals, with, say half in Georgetown and half in Gaithersburg.

Using these figures, the crematorium is no longer an accessory or associated use to the Gaithersburg funeral home. It is not incidental and subordinate.

The Gaithersburg crematorium is another primary use. It is equal to or greater than the Gaithersburg funeral home. For this reason, the DeVol Crematorium at 14 East Deer Park Dr, Gaithersburg ought to be turned down.

Perhaps DeVol management can locate a crematorium facility in a location with more space around it, that is not close to residential houses. They might throw in with other funeral homes facing similar trends and build a third party crematorium in a heavy industrial zone elsewhere in Maryland. Or they might buy or build a third funeral home, located in an industrial zone, in another city, and build the crematorium by it. However, Gaithersburg Maryland, by schools, homes, and apartments, is the wrong location.

Lastly, for one of the Councilmen at the August 03 Hearing, to suggest that all critics were a bunch of NIMBY complainers showed his elitist attitude. Living near a gas station is not the same as living near a 1,200 oF brick-lined process that other governments (e.g., Montgomery County) regulate as Heavy Industrial.

Should you have any questions, please feel free to contact me at the phone or email below. Thank you for your attention.

Sincerely yours,

Kathryn E. George
16625 Alden Ave
Gaithersburg MD 20877-1503
301-869-4948
kay.george@verizon.net

copies:

Council Vice President Laurie-Anne Sayles at Laurie-Anne.Sayles@gaitthersburgmd.gov

Council Member Neil Harris at Neil.Harris@gaitthersburgmd.gov

Council Member Michael A. Sesma at Michael.Sesma@gaitthersburgmd.gov

Council Member Ryan Spiegel at Ryan.Spiegel@gaitthersburgmd.gov

Council Member Robert T. Wu at Robert.Wu@gaitthersburgmd.gov

City Planner, Ms. Jasmine Forbes at Jasmine.Forbes@gaitthersburgmd.gov

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 9:58 AM
To: 'theyboer@gmail.com'
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



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: Tommy Heyboer <theyboer@gmail.com>
Sent: Tuesday, September 15, 2020 4:33 PM
To: CityHall External Mail <cityhall@gaithersburgmd.gov>
Cc: 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>
Subject: Crematorium

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Mayor Ashman and Councilmembers:

I have reviewed much of the discussion surrounding the proposed crematorium in Gaithersburg, and I do not find the opposition's arguments compelling, in so much as they are anything but pure NIMBYism. I hope to not need the services of a crematorium in the near (or distant) future, but I recognize that a thriving community does need these types of services.

Assuming the project meets all the applicable zoning and building code rules, I support its location at the proposed site in Gaithersburg.

Thank you for all the hard and complicated work you do for our community.

Best,
Tommy Heyboer
14 Maryland Ave
Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 10:02 AM
To: 'Xiaoyan Yang'
Subject: RE: the incinerator proposal for DeVol Funeral Home, Gaithersburg, MD

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: Webmaster External Mail <Webmaster@gaithersburgmd.gov>
Sent: Tuesday, September 15, 2020 9:45 PM
To: Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: the incinerator proposal for DeVol Funeral Home, Gaithersburg, MD

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

Message submitted from the <Gaithersburg, MD> website.

Site Visitor Name: Xiaoyan Yang
Site Visitor Email: Joanna928yan@hotmail.com

To whom it may concern,
I am writing to you in regards to the incinerator proposal for DeVol Funeral Home. I live nearby and I am against this for being implemented. This is harmful to the residents in the community. This area is heavily populated so breathing in these chemicals isn't ideal to the community that has family and kids nearby. Not to mention, down the road there's a high school and a elementary school.
Please take this into consideration and decline the incinerator.

Jasmine Forbes

From: Doris Stokes
Sent: Wednesday, September 16, 2020 3:18 PM
To: Michelle Betancourt
Cc: Jasmine Forbes; Gregory Mann
Subject: FW: Please do NOT reopen public record for SP-8415-2020

OC please.

Please forward correspondence to date to Jasmine and Greg.

Doris Stokes, Municipal Clerk

Mayor and Council Services | City Manager's Office



City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD 20877
P: 301.258.6310 | D: 240.805.1084 | doris.stokes@gaithersburgmd.gov

From: Carla Weinberg <cweinberg@gmail.com>
Sent: Wednesday, September 16, 2020 3:01 PM
To: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; John Schlichting <John.Schlichting@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; MCC Services <mccservices@gaithersburgmd.gov>
Cc: East Gaithersburg United group <eastgaithersburgunited@googlegroups.com>
Subject: Please do NOT reopen public record for SP-8415-2020

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Exhibit 318 from Scott Wallace is an outrageous request that you must deny. He wants time to refute our arguments and will submit additional exhibits to fix or dispute faults we have found in his application. He'll submit those new pieces of his application right before the new deadline so the public has little opportunity to review and respond to those new exhibits. And round and round we go, with Mr. Wallace wanting the last word. He tightly controlled the 9/9/20 community meeting and now wants to control the public comment period.

I pointed out many deliberate errors of omission and misleading statements and now the DeVol team wants time to fix them or explain them away. **I think the council members are astute enough to judge whether or not there is merit to my objections and those of many others, without help from Mr. Wallace.**

Enough already. Deny the extension. Deny the application.

Sincerely,

Carla Weinberg

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 12:01 PM
To: 'jeffannis@realtor.com'
Subject: RE: NO CREMATORIUM AT DEVOL SITE - OR ANYWHERE IN A RESIDENTIAL AREA IN MONTGOMERY COUNTY

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: jeffannis@realtor.com <jeffannis@realtor.com>
Sent: Wednesday, September 16, 2020 10:18 AM
To: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Laire-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>; Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Cc: Councilmember.Albornoz@montgomerycountymd.gov; Councilmember.Friedson@montgomerycountymd.gov; Councilmember.Glass@montgomerycountymd.gov; Councilmember.Hucker@montgomerycountymd.gov; Councilmember.Jawando@montgomerycountymd.gov; Councilmember.Katz@montgomerycountymd.gov; Councilmember.Navarro@montgomerycountymd.gov; Councilmember.Rice@montgomerycountymd.gov; Councilmember.Riemer@montgomerycountymd.gov
Subject: NO CREMATORIUM AT DEVOL SITE - OR ANYWHERE IN A RESIDENTIAL AREA IN MONTGOMERY COUNTY

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DeVol's proposed crematorium is a medical waste incinerator that does not belong in a residential neighborhood anywhere in Montgomery County

As a resident living 1400 feet from the site of a proposed human incinerator, I am strongly opposed to this improper use at this site in a densely populated residential area.

Bodies arrive from the place of death in with a wide variety of medical devices both internal and external. Internally there may be high tech plastic medical implants and surgical mesh; heavy metal alloys in the forms of staples, pins, screws, hinges and prosthetic joints; silicone breast implants; and mercury laden dental fillings. External devices include intravenous needles, drip tubes, metallic adhesive pads from

defibrillators, eeg and ekg devices; tapes, bandages and soiled absorbent pads, along with clothing and jewelry. Depending on religious and funeral home practices, many of the external elements may be disposed of separately, but the toxic when burned internal bits and pieces are burned and resulting gases and microscopic particulates exhausted to the outside air.

There appear to be no standards for crematory exhaust gases, and Gaithersburg City most likely does not have the ability to constantly monitor exhaust gasses to insure public safety. Even the most advanced computer controlled Human Cremation Systems are subject to occasional “upsets” from overload or mechanical failure that are unacceptable in a residential neighborhood.

<https://www.youtube.com/watch?v=sDJ1-dwdQts>

In 1994, the National Institutes of Health closed its last medical waste incinerator due to safety concerns of the surrounding residents. The NIH incinerator was burning a waste stream similar to those burned in a human cremation system, including human and animal tissue, plastics, and heavy metal alloys. NIH deemed the incinerator to be an inappropriate use in a densely populated residential neighborhood. Washington Post, NIH Shuts Down Last Waste Incinerator, by Louis Aguilar, May 13, 1994.

The nature of the funeral home business has changed. Only a few generations ago, cremation was a small part of the business. Families gathered at the funeral home to mourn, then traveled to a remote cemetery for burial. The National Funeral Directors Association 2018 Cremation and Burial Report forecasts that cremation rates will soar to around 80% by 2040, up from around 5% in the 1970’s. As one of only two crematories in Montgomery County, the DeVol site could be running its cremation operation full time to meet demand. The funeral home business is and will be vastly different from what was contemplated when the funeral home use was allowed in the CD zone adjacent to heavily populated residential neighborhoods.

As one of the top air polluters in Montgomery County, the Dickerson incinerator generates beryllium, hydrochloric acid, chromium, cadmium, arsenic, mercury, ammonia, nitrogen oxides particulate matter, sulfur dioxide and cobalt. A crematorium will generate many of the same pollutants when burning organic tissue, metals, plastics, and chemicals found in the clothing, bodies, waste material and caskets. All without the benefit of a 250 foot tall smokestack that is Dickerson’s dilution solution to ground pollution.

Finally, within a quarter mile radius of proposed crematorium, there are 737 taxable residential properties, and 100 taxable commercial properties. These properties represent an assessed value of over \$588,600,000, with annual municipal taxes of over \$1,170,000 and total real estate taxes of over \$5,600,000. Even a slight loss of assessed value will far exceed any possible tax benefits to Gaithersburg City and Montgomery County.

A small commercial incinerator does not belong at this location.

Your friend in the real estate business,

Jeff Annis
9205 Rose Anne Pl
Gaithersburg, MD 20877

Jeff Annis Real Estate LLC
<mailto:JeffAnnis@Realtor.com>
703-906-9869 Cell
www.RealEstateDCMetroArea.com
Headquarters in Gaithersburg, MD
Licensed in VA, MD, and DC

Jasmine Forbes

From: John Schlichting
Sent: Wednesday, September 16, 2020 10:14 AM
To: Gregory Mann; Jasmine Forbes
Subject: FW: Printable comments on DeVol Application SP-8415-2020

From: Carla Weinberg <ceweinberg@gmail.com>
Sent: Wednesday, September 16, 2020 2:28 AM
To: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; MCC Services <mccservices@gaithersburgmd.gov>; John Schlichting <John.Schlichting@gaithersburgmd.gov>
Subject: Printable comments on DeVol Application 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 members, and Planning and Code Department staff:

I have been a Gaithersburg homeowner for 45 years and am writing to urge you to reject Concept Site Plan Application SP-8415-2020.

Reasons for my objection follow.

1. **Deliberate deception.** The DeVol application states they just want to convert a house into a funeral home, add on a modest addition in the rear and add 22 more parking spaces. They wrote they plan to provide **Cremation Services** in their addition at 14 E. Deer Park. Nowhere in their application do they state they want to build and operate a crematory that will house a retort, a furnace. This is deceptive. The application reader has to search the entire application, including exhibits, to find out they plan to actually incinerate bodies onsite. The terms "cremation services, crematory, and crematorium services" all appear in various places in the application but the terms are not interchangeable. Almost all funeral homes offer cremation services. A crematory is not "cremation services" and is regulated differently from funeral homes.
<https://www.dllr.state.md.us/license/cem/cemcremregs.pdf>

2. **Zoning Code:** Devol claims that a crematorium is an accessory use of a funeral home, so a crematorium is allowed in any zone where a funeral home is allowed.

Accessory use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of the main building or lot.

Jasmine Forbes wrote, in the Preliminary Staff Analysis:

"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."

There are many related services one could operate in the 14 E. Deer Park building that would be used by the funeral home. That doesn't mean they should be permitted. They could add a columbarium or a graveyard and

justify it as an accessory service to their clients. That doesn't mean those services are part of a funeral home by definition or custom or that you must approve them.

A crematory is not customarily incidental to a funeral home. A crematory can exist without a funeral home and a funeral home can exist without a crematory. A crematory is not subordinate to a funeral home. The funeral home performs an administrative function and, if a ceremony is desired, can provide one. However, *the ultimate goal of the death care industry is to dispose of a dead body*. Thus, a crematory is hardly subordinate to a funeral home. In fact, one could argue that the primary function is served by the crematory and the arrangements, the paperwork, the transportation, all subordinate functions to the disposal of the body, are carried out by the administrators of the funeral home. It's like a processing plant that has an administrative office on its premises. The plant carries out the function, and the office does the hiring, payroll, paperwork, etc.

A funeral home does not, by definition, include a crypt, a columbarium, a crematorium, or a cemetery. These four facilities are not accessory uses of a funeral home. They are not usual, customary, or in keeping with the definition that a funeral home just prepares bodies for (later) disposition. A funeral home cannot house the final disposition nor actually dispose of the bodies. A crematorium or furnace disposes of bodies and produces ashes. Ashes are not bodies; they are remnants or by-products of disposal. Funeral homes can prepare for disposal but cannot, by definition, do the disposal. If you want to include disposal in the definition of a funeral home, you must amend the municipal code. This will allow funeral homes to include having on-premises cemeteries, columbariums, crypts, etc. which permanently house the bodies or the ashes or reduce the bodies to another permanent form, other than a human body.

Since crematories are prohibited as free-standing businesses in Gaithersburg, it is not a "customarily incidental use" to have a funeral home with an accessory crematory. The accessory use must be reasonably necessary to the conduct of the principal use.

3. Environment: Combustion equipment does produce particulate matter. It also produces smoke, vapors, odors, and other emissions. Jeffrey Barron, a Matthews Environmental Solutions cremator salesman, claims their cremators produce no smoke, no odor. He says the byproducts are not visible. Neither is carbon monoxide or mercury vapors or cyanide gas but I wouldn't want to breathe them. What about invisible, odorless emissions? He offered no proof other than his word and the assertion that the Maryland Department of the Environment (MDE) wouldn't approve the crematory if it wasn't safe. **There are numerous reports of accidents where the thermocouple failed or a fire occurred or where smoke was produced because the retort was overwhelmed. Accidents happen. Humans are fallible.**

We have all relied on the government to ensure our health and safety but there are numerous occasions when that has failed the public. Don't you fail the public. The Gaithersburg City Council owes it to the citizens it serves to take every precaution before approving and allowing potential and unnecessary danger to be introduced.

DeVol didn't say if their cremator will use natural gas or propane gas. Either way, a huge incinerator burning for hours at 1800 degrees F., is going to have a large carbon footprint. It also requires electricity to operate the monitoring system, fans in the smokestack, etc. It needs a 208-230 Volt circuit - that's a lot of juice. Where does the heat go?

4. **Toxic emissions:** What plan is in place to remove radioactive pharmaceuticals, pacemakers, silicone, plastic, and metal objects prior to incineration? How will the technician know if there are potentially toxic objects that need to be removed? Will the technician remove teeth with silver amalgam fillings containing mercury prior to incineration? That's not feasible. The majority of people needing cremation in the next 10 years are people very likely to have silver amalgam in their mouths, contrary to the statements made by DeVol representatives during the hearing. They went into great lengths to explain that dentists aren't using silver amalgam anymore. Again, twisting logic. Baby boomers have more silver fillings than any other generation. They're the ones who will be cremated in the next few years.

5. **Crematories:** Mr. Barron, the cremator salesman, states in Exhibit 19, "The cremation equipment is installed within the funeral home and is generally considered by most zoning regulations to be an extension of existing business and/or services." He also says their designs have been adopted as industry standards. Where is his documentation of these statements? **None of that is true.**

According to The New York Times, (<https://www.nytimes.com/2019/07/26/your-money/funeral-cremation-burial.html>) and the National Funeral Directors Association 2019 Cremation and Burial Report (<https://www.nfda.org/news/media-center/nfda-news-releases/id/4395/cremation-is-here-to-stay-aging-baby-boomers-proved-catalyst-in-shift-beyond-traditional-burial>) most funeral homes in the United States do **not include** an on-premises crematorium. Only one-third do.

6. **Harmony and Serving the Public:** The Preliminary Planning Report also states "the Applicant has the burden of showing that the application complies with the purpose and intent of the CD Zone and the master plan.

The applicant must show "The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas". Given the size of the smokestack and chimney as presented in the revised testimony of the DeVol team (as opposed to the deliberately inaccurate statements about the chimney at the August 3rd meeting), the house at 14 E. Deer Park will not resemble the nearby single-family homes. What nearby homes have a similar roof line with two chimneys? DeVol cannot even guarantee the height of the roof will remain as it is now. They state it is subject to change. The size of the cremator may require a taller addition to the house. How will the house be internally or externally harmonious with the other houses and offices?

The current land use is primarily residential, with some small business/office use. A crematorium is not compatible with the existing land uses, nor is it in the public interest. Although Mr. Wallace and Mr. DeVol testified that there are some clients

who want to be present at the cremation process, there are relatively few (39 in a twelve-month period). You must decide which public interest should be served.

7. **Trees:** Consider all the grass and the seven large trees that will be destroyed and paved over by asphalt to create a lighted parking lot and front sidewalk. This can't be in the best interest of the neighborhood or the environment. At the informational meeting, DeVol's civil engineer, Mr. Phil Rhodes, said only four trees would be removed. Another lie. That's not what the site plan calls for. Seven large trees will be cut down. Why was that approved? Bad precedent. They will plant some new ones, but I'll be dead before those reach maturity. Maybe they didn't expect anyone to actually read Exhibit 5.

TREE TABLE						
NO.	COMMON NAME	SCIENTIFIC NAME	D.B.H (INCHES)	CRZ RADIUS (FEET)	CONDITION RATING	CON
T1	White oak	<i>Quercus alba</i>	24	36	GOOD/AVG.	some bran
T2	White oak	<i>Quercus alba</i>	29	43.5	GOOD/AVG.	codominat some bran
T3	White oak	<i>Quercus alba</i>	16	24	AVG/POOR	epicormic by adjacen
T4	White oak	<i>Quercus alba</i>	24.5	36.75	AVG.	pruned at c growth on t
T5	Crape myrtle	<i>Lagerstroemia indica</i>	9	13.5	GOOD	multistem
T6	White oak	<i>Quercus alba</i>	27.5	41.25	AVG.	pruned at c growth on l
T7	Japanese flowering	<i>Prunus serrulata</i>	8	12	GOOD/AVG.	multistem dieback
T8	Japanese maple	<i>Acer palmatum</i>	7	10.5	GOOD/AVG.	multistem
T9	Red maple	<i>Acer rubrum</i>	10	15	AVG.	poor form
T10	Red maple	<i>Acer rubrum</i>	22	33	AVG/POOR	English ivy pruned at c
T11	Black walnut	<i>Juglans nigra</i>	8	12	GOOD	
T12	Mockernut hickory	<i>Carya tomentosa</i>	23	34.5	GOOD/AVG.	codominat
T13	American holly	<i>Ilex opaca</i>	11	16.5	GOOD	multistem
T14	Red maple	<i>Acer rubrum</i>	16.5	24.75	GOOD	
T15	Black cherry	<i>Prunus serotina</i>	12	18	GOOD	
T16	Mockernut hickory	<i>Carya tomentosa</i>	15.5	23.25	GOOD	
T17	Northern red oak	<i>Quercus rubra</i>	17	25.5	GOOD	
T18	Red maple	<i>Acer rubrum</i>	18	27	AVG/POOR	broken lim trunk
T19	White oak	<i>Quercus alba</i>	27	40.5	GOOD/AVG.	English ivy
T20	River birch	<i>Betula nigra</i>	16	24	GOOD/AVG.	multistem

Exhibit 5 - Seven trees cut down

"In accordance with the requirement for the submission of a Concept Site Plan, Section 24-160D.9(b), the Applicant has submitted concept stormwater management plan and sediment and erosion control plan applications, SWM-8418-2020 and SEC-8417-2020 respectively. The Department of Public Works staff is currently reviewing both plans."

Where was the report of the Public Works Department? I had to ask that this be included in the public record. Although the report (Exhibit 285) is dated July 10th, it was finally added, two days before the record closed in mid-September and long after most of the public's comments had been submitted. This is unacceptable. It is curious how, when, and what is posted for the public to view.

8. **Empty House:** The application states that the house at 14 E. Deer Park is vacant and underutilized. The DeVol team states this as though the house belongs to someone else. They are responsible for it being vacant and underutilized and therefore cannot use that as justification for using it as a crematory. If it is underutilized by them, they can sell it to someone who will use it for its original purpose or for something that will benefit and enhance the lives of its neighbors.

9. **Missing and misleading information:** There were quite a few items the DeVol team agreed to send in as a result of questions from the public and from council members. These are data that should have been asked for by the Planning Department before stating that the application was complete and ready for the August 3rd hearing. The public can't comment on the applicant's documentation if we can't see it. Specifications on the cremation equipment still haven't been submitted. In fact, at the August 3rd meeting, Matthews Environmental Solutions' cremation equipment was shown. At the September 9th meeting, a slide referred to Facultatieve-Technologies equipment. Whose equipment would be installed?



In the Aug. 3rd meeting, Scott Wallace was asked about the distance from the crematory to the nearest neighbor's residence. He pointed to homes on the east and south side of 14 E. Deer Park and calculated the distance for them. But they are not the closest people at risk. The people working in the offices directly across from 14 E. Deer Park and the people living in the apartment building directly across from 10 E. Deer Park are the closest. No one caught this. Although people at 13 and 15 E.

Deer Park don't live there, they work there 8-12 hours a day. Shouldn't the City be concerned about their exposure? Why just ask about residences?

10. **Crematory Operator:** The testimony on August 3rd revealed that only one person will be trained to operate and monitor the cremation equipment: Mr. Robert DeVol. Mr. DeVol said he will operate the cremation furnace. Each cremation takes about 2-3 hours including ceremonies, followed by an additional 2 hours to cool, prepare and dispose of the medical waste that was not reduced to ash, and put the ashes in a container. It is not credible that the owner of the funeral home, with his office in Georgetown, Washington DC, is going to spend 4-5 hours per cremation at 14 E. Deer Park. Another assertion that doesn't meet the level of believability. But who's keeping count?

11. **Filters, Scrubbers, and Monitors:** There was no documentation provided that described how the cremation equipment will detect and filter out hazardous substances. The crematory operator may not be told about radiopharmaceuticals as he prepares the bodies for incineration. The condition of some corpses makes it difficult to detect pacemakers or the presence of low dose-rate seeds used in brachytherapy (mostly for prostate cancer). Pacemaker batteries explode when heated. Radioactive substances create a danger to the technician sifting through the remains after cremation as well as a danger to the community members who are exposed to radiation from the chimney emissions and families who take radioactive cremains home with them. Yes, the applicant can purchase a Geiger counter but what if a technician forgets to use it? Are you willing to take that risk in a densely populated area?

UCLA cautions patients undergoing radiation for cancer who have low dose-rate seeds implanted against hugging children or being near young pets or pregnant women. What happens if a patient dies shortly after this radiation treatment and is cremated without anyone knowing he has seeds in his body? Seeds cannot be removed before cremation. Radiation will be emitted in smokestack and in cremains.

<https://www.uclahealth.org/urology/prostate-cancer/brachytherapy-and-you>

<https://www.mayoclinic.org/tests-procedures/brachytherapy/about/pac-20385159>

<https://jamanetwork.com/journals/jama/article-abstract/2725673>

12. **Hazardous Compounds in Emissions:** While the amount of mercury vapors and VOCs in the crematory emissions may be low, any amount at all presents an unnecessary hazard to the public. The Council needs to err on the side of caution when so many vulnerable people live and work close to the crematory. There was no evidence submitted to show how much toxic material will be produced by the expected number of cremations. There have been documented accidents and mistakes made at crematories where the equipment malfunctioned, or the filters malfunctioned, or a technician made an error. I heard the Matthews salesman say these malfunctions can be caught and corrected, but what harm will be done before the correction is made? **If you lived nearby**, would you want to take that risk? What is the risk to a fetus being carried by a pregnant woman who is exposed to the toxic emissions from the crematory? Are there studies showing there is no risk?

13. **Longterm harm:** Testimony stated that the Pumphrey crematory has operated for decades, using Matthews' equipment and there have been no complaints that Mr. Barron knows of and no evidence of harm to the Bethesda community, including nearby schools, homes, etc. However, since the toxic emissions are not visible,

how would one know there has been no harm? Have there been longitudinal epidemiological studies following neighborhood people over the past 30 years? Anecdotes that a council member did not detect any problem living near the Bethesda crematory is not scientific. Longitudinal data, not anecdotal data are needed.

14. **Testing:** The testimony by the DeVol team relied on U. S. EPA and Maryland MDE standards, inspections and regulations to ensure the safety of the crematory operation. Initial permitting procedures were cited and a statement was made that the MDE conducts routine inspections during crematory operations. But MDE doesn't test smokestack emissions unless there's a complaint. The U.S. EPA doesn't regulate crematories. Burning dead bodies isn't covered by the Clean Air Act. The city should not rely on these agencies to protect Gaithersburg citizens. That's your job.

<https://mde.state.md.us/programs/Permits/AirManagementPermits/Documents/MDCrematoryFinalDetandRTC.pdf>

The above linked document shows that inspections of a different kind of crematory equipment only addressed visible emissions and odors. No tests were done to detect other types of toxic emissions. The report addresses opacity, which is only one of many criteria for judging emissions. Although the MDE performed many inspections, the minimum requirement is to perform a full compliance evaluation only once every five years. Therefore, as government agencies experience budget cuts in future years, might the testing be cut to the legal minimum?

Why are there no smokestack tests? "That's the system in Maryland", stated Carol Green, DeVol's environmental attorney, at the 9/9 community presentation. The cremator system monitors itself. But those monitors only check for opacity! And sometimes monitors malfunction. At the 9/9 meeting, when asked what substances are in emissions and in what quantities (something councilman Wu requested), Carol Green replied: "Do your homework. Go to the MDE website and educate yourself." - nice.

15. **Incomplete and inaccurate Application:** The Preliminary Planning Staff Analysis of SP-8415-2020 concludes:

"The Applicant has submitted for consideration concept site plan SP-8415-2020. This a complete application as set forth in § 24-160G.7(b). A public hearing with the Mayor & City Council has been scheduled for August 3, 2020."

SP-8415-2020 is **NOT** a complete application. The concept site plan does not include any description, photograph, or artist rendering of the new chimney and smokestack to be added to the building at 14 E. Deer Park. This is not just a minor architectural detail. This is crucial to understanding how the proposed crematory would look and operate. DeVol said they left it out of their application because the smokestack depends on what MDE permitting requires them to do. So the city doesn't know at this point if the chimney will be 3' tall or 25' tall. It will probably be closer to the latter since there are residences and offices near by. **What are you going to do** if later the MDE requires a smokestack to rise 12 feet above the roof? Also missing is any documentation supporting Matthews Cremation Division's claim that there will be no toxic emissions, smoke, harmful particulate matter, odors, or noise produced by the equipment.

DeVol team testimony made a false comparison when they said the emissions would be less than what a fast food restaurant would produce. There is currently no fast food restaurant at 14 E. Deer Park. They said it will produce fewer NOx (oxides of nitrogen - pollutants) than a diesel trash truck and fewer VOCs (volatile organic compounds - like solvents) than a dry cleaner establishment. But THERE IS NO dry cleaner and THERE IS NO trash truck sitting for hours at 14 E. Deer Park. There is instead a single family home. Do you see how they twist logic? Do you trust anything they say?

The DeVol team also neglected to include the modeling information that will be used to certify or authorize the cremation equipment. Councilman Wu also requested this from the cremator manufacturer.

This missing information cannot be allowed to be included merely by verbal testimony or material inserted **after** the public hearing and commentary period. The public had a right to see this information in writing as part of the package published online, in time to include any questions or objections about the chimney and emissions prior to the initial August 3rd meeting.

The parking space information in the application is misleading. We asked at the community meeting why the total number of parking spaces provided was greater than the maximum number allowed in Exhibits 5 and 9. Scott Wallace answered that they were allowed to exceed the number of spaces required by 10%. That doesn't answer the question. See photos below.

EXHIBIT 5-

PARKING TABULATION—PHASE 2	
NEW SITE (EXISTING + NEW ADDITION)	
2 PARLORS (BUILDING # 10)	80 SPACES
NUMBER OF EMPLOYEES	5
TOTAL NUMBER OF SEATS (BUILDING #14)	16
TOTAL PARKING SPACES REQUIRED	89
TOTAL PARKING SPACES PROVIDED	112
MAXIMUM ALLOWED (REQUIRED * 1.1)	98




Exhibit 5

+++++

EXHIBIT 9-

PARKING TABULATION-PHASE 2	
NEW SITE (EXISTING + NEW ADDITION)	
2 PARLORS (BUILDING # 10)	80 SPACES
NUMBER OF EMPLOYEES	5
TOTAL NUMBER OF SEATS (BUILDING #14)	16
TOTAL PARKING SPACES REQUIRED	89
TOTAL PARKING SPACES PROVIDED	111
MAXIMUM ALLOWED (REQUIRED * 1.1)	98

Exhibit 9

16. **Trust:** Since no one was under oath with penalty of perjury, there is no expectation that Mr. DeVol, the DeVol lawyers or the cremator salesman were telling the truth. There was no independent scientific documentation offered other than anecdotal statements that they haven't had any complaints. No wonder the 9/9 community meeting was controlled by the virtual meeting software so that the public could not see who or how many were participating. No wonder Scott Wallace's assurance that a recording of the meeting would be made available was another lie. When will it be available? After the record closes? No wonder Scott said he'd record the DeVol presentation part of the meeting but not the question and answer session with the public. Do YOU trust this man? Given all the lies, half-truths, and lack of transparency, how can we believe this crematory is safe? Are we willing to bet our children's lives on that? Are YOU?

17. **The Public:** The public has not had a fair amount of time to inform themselves and comment on this application. Although the applicant had detailed planning documents since at least February 2020, the applicant waited until the legal deadline to inform the public in order to minimize opposition and comments. The requirement of only two weeks for public notification, the limitation of only 200 feet as a definition of who to notify, and the limitation of only English language documentation and notices is not something the Gaithersburg City Council should be proud of. Although this applicant abided by the letter of the law, you on the council should change these requirements so that future applications are fairer to the public you serve. I know business expansion and attraction is important to Gaithersburg, but please don't forget those of us who have lived here for decades. Gaithersburg West of 270 is bright, shiny, and new but the Gaithersburg East of 270 helped to build this city.

Respectfully,
Carla Weinberg

Jasmine Forbes

From: John Schlichting
Sent: Wednesday, September 16, 2020 10:22 AM
To: Gregory Mann; Jasmine Forbes
Subject: FW: DeVol Application SP-8415-2020

From: ROBERT BREWER <brewer000@verizon.net>
Sent: Wednesday, September 16, 2020 9:50 AM
To: John Schlichting <John.Schlichting@gaithersburgmd.gov>; MCC Services <mccservices@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>
Cc: Carla Weinberg <ceweinberg@gmail.com>
Subject: Fw: DeVol Application SP-8415-2020

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Sir's and Ma'am's-

I would respectfully suggest you read thru Ms. Weinberg's very detailed letter below.

She's taken the time to do the "quality control", that City staff and Council Members-Mayor should have done during the initial application process.

At this time, the only sensible thing to do here, is to "table" the application/ hearings/ review etc., until such time, as each one of Ms. Weinberg's and other residents' excellent points have been reviewed and you've reevaluated this whole matter.

I'm not aware of any of you having an actual stand on this issue, this speaks for itself.

Also, I'm not aware of any plans by City staff, to monitor the day to day activities of the proposed crematorium, should it be approved.

You should be out in front of this possibility, not playing catch up after the fact.

I echo the sentiments of others, that this part of town (East Gaithersburg) gets the least amount of consideration from the Mayor and Council, the residents views should be the first thing you consider.

Respectfully Submitted.

Robert Brewer

205 E. Deerpark Dr Gaithersburg

----- Forwarded Message -----

From: Carla Weinberg <cweinberg@gmail.com>

To: Jud Ashman <jud.ashman@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Neil Harris <neil.harris@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Laurie-Anne Sayles <laurie-anne.sayles@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Jasmine Forbes <mccservices@gaithersburgmd.gov>; "John.Schlichting@gaithersburgmd.gov" <john.schlichting@gaithersburgmd.gov>

Sent: Wednesday, September 16, 2020, 02:16:45 AM EDT

Subject: DeVol Application SP-8415-2020

Dear Mayor Ashman, City Council members, and Planning and Code Department staff:

I have been a Gaithersburg homeowner for 45 years and am writing to urge you to reject Concept Site Plan Application SP-8415-2020.

Reasons for my objection follow.

1. **Deliberate deception.** The DeVol application states they just want to convert a house into a funeral home, add on a modest addition in the rear and add 22 more parking spaces. They wrote they plan to provide **Cremation Services** in their addition at 14 E. Deer Park. Nowhere in their application do they state they want to build and operate a crematory that will house a retort, a furnace. This is deceptive. The application reader has to search the entire application, including exhibits, to find out they plan to actually incinerate bodies onsite. The terms "cremation services, crematory, and crematorium services" all appear in various places in the application but the terms are not interchangeable. Almost all funeral homes offer cremation services. A crematory is not "cremation services" and is regulated differently from funeral homes.

<https://www.dllr.state.md.us/license/cem/cemcremregs.pdf>

2. **Zoning Code:** Devol claims that a crematorium is an accessory use of a funeral home, so a crematorium is allowed in any zone where a funeral home is allowed.

Accessory use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of the main building or lot.

Jasmine Forbes wrote, in the Preliminary Staff Analysis:

"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."

There are many related services one could operate in the 14 E. Deer Park building that would be used by the funeral home. That doesn't mean they should be permitted. They could add a columbarium or a graveyard and justify it as an accessory service to their clients. That doesn't mean those services are part of a funeral home by definition or custom or that you must approve them.

A crematory is not customarily incidental to a funeral home. A crematory can exist without a funeral home and a funeral home can exist without a crematory. A crematory is not subordinate to a funeral home. The funeral home performs an administrative function and, if a ceremony is desired, can provide one. However, *the ultimate goal of the death care industry is to dispose of a dead body*. Thus, a crematory is hardly subordinate to a funeral home. In fact, one could argue that the primary function is served by the crematory and the arrangements, the paperwork, the transportation, all subordinate functions to the disposal of the body, are carried out by the administrators of the funeral home. It's like a processing plant that has an administrative office on its premises. The plant carries out the function, and the office does the hiring, payroll, paperwork, etc.

A funeral home does not, by definition, include a crypt, a columbarium, a crematorium, or a cemetery. These four facilities are not accessory uses of a funeral home. They are not usual, customary, or in keeping with the definition that a funeral home just prepares bodies for (later) disposition. A funeral home cannot house the final disposition nor actually dispose of the bodies. A crematorium or furnace disposes of bodies and produces ashes. Ashes are not bodies; they are remnants or by-products of disposal. Funeral homes can

prepare for disposal but cannot, by definition, do the disposal. If you want to include disposal in the definition of a funeral home, you must amend the municipal code. This will allow funeral homes to include having on-premises cemeteries, columbariums, crypts, etc. which permanently house the bodies or the ashes or reduce the bodies to another permanent form, other than a human body.

Since crematories are prohibited as free-standing businesses in Gaithersburg, it is not a "customarily incidental use" to have a funeral home with an accessory crematory. The accessory use must be reasonably necessary to the conduct of the principal use.

3. **Environment:** Combustion equipment does produce particulate matter. It also produces smoke, vapors, odors, and other emissions. Jeffrey Barron, a Matthews Environmental Solutions cremator salesman, claims their cremators produce no smoke, no odor. He says the byproducts are not visible. Neither is carbon monoxide or mercury vapors or cyanide gas but I wouldn't want to breathe them. What about invisible, odorless emissions? He offered no proof other than his word and the assertion that the Maryland Department of the Environment (MDE) wouldn't approve the crematory if it wasn't safe. **There are numerous reports of accidents where the thermocouple failed or a fire occurred or where smoke was produced because the retort was overwhelmed. Accidents happen. Humans are fallible.**

We have all relied on the government to ensure our health and safety but there are numerous occasions when that has failed the public. Don't you fail the public. The Gaithersburg City Council owes it to the citizens it serves to take every precaution before approving and allowing potential and unnecessary danger to be introduced.

DeVol didn't say if their cremator will use natural gas or propane gas. Either way, a huge incinerator burning for hours at 1800 degrees F., is going to have a large carbon footprint. It also requires electricity to operate the monitoring system, fans in the smokestack, etc. It needs a 208-230 Volt circuit - that's a lot of juice. Where does the heat go?

4. **Toxic emissions:** What plan is in place to remove radioactive pharmaceuticals, pacemakers, silicone, plastic, and metal objects prior to incineration? How will the technician know if there are potentially toxic objects that need to be removed? Will the technician remove teeth with silver amalgam fillings containing mercury prior to incineration? That's not feasible. The majority of people needing cremation in the next 10 years are people very likely to have silver amalgam in their mouths, contrary to the statements made by DeVol representatives during the hearing. They went into great lengths to explain that dentists aren't using silver amalgam anymore. Again, twisting logic. Baby boomers have more silver fillings than any other generation. They're the ones who will be cremated in the next few years.

5. **Crematories:** Mr. Barron, the cremator salesman, states in Exhibit 19, "The cremation equipment is installed within the funeral home and is generally considered by most zoning regulations to be an extension of existing business and/or services." He also says their designs have been adopted as industry standards. Where is his documentation of these statements? **None of that is true.**

According to The New York Times, (<https://www.nytimes.com/2019/07/26/your-money/funeral-cremation-burial.html>) and the National Funeral Directors Association 2019 Cremation and Burial Report (<https://www.nfda.org/news/media-center/nfda-news-releases/id/4395/cremation-is-here-to-stay-aging-baby-boomers-proved-catalyst-in-shift-beyond-traditional-burial>) most funeral homes in the United States do **not include** an on-premises crematorium. Only one-third do.

6. **Harmony and Serving the Public:** The Preliminary Planning Report also states "the Applicant has the burden of showing that the application complies with the purpose and intent of the CD Zone and the master plan.

The applicant must show "The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas". Given the size of the smokestack and chimney as presented in the revised testimony of the DeVol team (as opposed to the deliberately inaccurate statements about the chimney at the August 3rd meeting), the house at 14 E. Deer Park will not resemble the nearby single-family homes. What nearby homes have a similar roof line with two chimneys? DeVol cannot even guarantee the height of the roof will remain as it is now. They state it is subject to change. The size of the cremator may require a taller addition to the house. How will the house be internally or externally harmonious with the other houses and offices?

The current land use is primarily residential, with some small business/office use. A crematorium is not compatible with the existing land uses, nor is it in the public interest. Although Mr. Wallace and Mr. DeVol testified that there are some clients who want to be present at the cremation process, there are relatively few (39 in a twelve-month period). You must decide which public interest should be served.

7. **Trees:** Consider all the grass and the seven large trees that will be destroyed and paved over by asphalt to create a lighted parking lot and front sidewalk. This can't be in the best interest of the neighborhood or the environment. At the informational meeting, DeVol's civil engineer, Mr. Phil Rhodes, said only four trees would be removed. Another lie. That's not what the site plan calls for. Seven large trees will be cut down. Why was that approved? Bad precedent. They will plant some new ones, but I'll be dead before those reach maturity. Maybe they didn't expect anyone to actually read Exhibit 5.

TREE TABLE						
NO.	COMMON NAME	SCIENTIFIC NAME	D.B.H (INCHES)	CRZ RADIUS (FEET)	CONDITION RATING	CON
T1	White oak	<i>Quercus alba</i>	24	36	GOOD/AVG.	some bran
T2	White oak	<i>Quercus alba</i>	29	43.5	GOOD/AVG.	codominat some bran
T3	White oak	<i>Quercus alba</i>	16	24	AVG/POOR	epicomic by adjacen
T4	White oak	<i>Quercus alba</i>	24.5	36.75	AVG.	pruned at c growth on t
T5	Crape myrtle	<i>Lagerstroemia indica</i>	9	13.5	GOOD	multistem
T6	White oak	<i>Quercus alba</i>	27.5	41.25	AVG.	pruned at c growth on l
T7	Japanese flowering	<i>Prunus serrulata</i>	8	12	GOOD/AVG.	multistem dieback
T8	Japanese maple	<i>Acer palmatum</i>	7	10.5	GOOD/AVG.	multistem
T9	Red maple	<i>Acer rubrum</i>	10	15	AVG.	poor form
T10	Red maple	<i>Acer rubrum</i>	22	33	AVG/POOR	English ivy pruned at c
T11	Black walnut	<i>Juglans nigra</i>	8	12	GOOD	
T12	Mockernut hickory	<i>Carya tomentosa</i>	23	34.5	GOOD/AVG.	codominat
T13	American holly	<i>Ilex opaca</i>	11	16.5	GOOD	multistem
T14	Red maple	<i>Acer rubrum</i>	16.5	24.75	GOOD	
T15	Black cherry	<i>Prunus serotina</i>	12	18	GOOD	
T16	Mockernut hickory	<i>Carya tomentosa</i>	15.5	23.25	GOOD	
T17	Northern red oak	<i>Quercus rubra</i>	17	25.5	GOOD	
T18	Red maple	<i>Acer rubrum</i>	18	27	AVG/POOR	broken limt trunk
T19	White oak	<i>Quercus alba</i>	27	40.5	GOOD/AVG.	English ivy
T20	River birch	<i>Betula nigra</i>	16	24	GOOD/AVG.	multistem

Exhibit 5 - Seven trees cut down

STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL

"In accordance with the requirement for the submission of a Concept Site Plan, Section 24-160D.9(b), the Applicant has submitted concept stormwater management plan and sediment and erosion control plan applications, SWM-8418-2020 and SEC-8417-2020 respectively. The Department of Public Works staff is currently reviewing both plans."

Where was the report of the Public Works Department? I had to ask that this be included in the public record. Although the report (Exhibit 285) is dated July 10th, it was finally added, two days before the record closed in mid-September and long after most of the public's comments had been submitted. This is unacceptable. It is curious how, when, and what is posted for the public to view.

8. **Empty House:** The application states that the house at 14 E. Deer Park is vacant and underutilized. The DeVol team states this as though the house belongs to someone else. They are responsible for it being vacant and underutilized and therefore cannot use that as justification for using it as a crematory. If it is underutilized by them, they can sell it to someone who will use it for its original purpose or for something that will benefit and enhance the lives of its neighbors.

9. **Missing and misleading information:** There were quite a few items the DeVol team agreed to send in as a result of questions from the public and from council members. These are data that should have been asked for by the Planning Department before stating

that the application was complete and ready for the August 3rd hearing. The public can't comment on the applicant's documentation if we can't see it. Specifications on the cremation equipment still haven't been submitted. In fact, at the August 3rd meeting, Matthews Environmental Solutions' cremation equipment was shown. At the September 9th meeting, a slide referred to Facultative Technologies equipment. Whose equipment would be installed?



In the Aug. 3rd meeting, Scott Wallace was asked about the distance from the crematory to the nearest neighbor's residence. He pointed to homes on the east and south side of 14 E. Deer Park and calculated the distance for them. But they are not the closest people at risk. The people working in the offices directly across from 14 E. Deer Park and the people living in the apartment building directly across from 10 E. Deer Park are the closest. No one caught this. Although people at 13 and 15 E. Deer Park don't live there, they work there 8-12 hours a day. Shouldn't the City be concerned about their exposure? Why just ask about residences?

10. **Crematory Operator:** The testimony on August 3rd revealed that only one person will be trained to operate and monitor the cremation equipment: Mr. Robert DeVol. Mr. DeVol said he will operate the cremation furnace. Each cremation takes about 2-3 hours including ceremonies, followed by an additional 2 hours to cool, prepare and dispose of the medical waste that was not reduced to ash, and put the ashes in a container. It is not credible that the owner of the funeral home, with his office in Georgetown, Washington DC, is going to spend 4-5 hours per cremation at 14 E. Deer Park. Another assertion that doesn't meet the level of believability. But who's keeping count?

11. **Filters, Scrubbers, and Monitors:** There was no documentation provided that described how the cremation equipment will detect and filter out hazardous substances. The crematory operator may not be told about radiopharmaceuticals as he prepares the bodies for incineration. The condition of some corpses makes it difficult to detect pacemakers or the presence of low dose-rate seeds used in brachytherapy (mostly for prostate cancer). Pacemaker batteries explode when heated. Radioactive substances create a danger to the technician sifting through the remains after cremation as well as a danger to the community members who are exposed to radiation from the chimney emissions and families who take radioactive cremains home with them. Yes, the applicant can purchase a Geiger counter but what if a technician forgets to use it? Are you willing to take that risk in a densely populated area?

UCLA cautions patients undergoing radiation for cancer who have low dose-rate seeds implanted against hugging children or being near young pets or pregnant women. What happens if a patient dies shortly after this radiation treatment and is cremated without anyone knowing he has seeds in his body? Seeds cannot be

removed before cremation. Radiation will be emitted in smokestack and in cremains.

<https://www.uclahealth.org/urology/prostate-cancer/brachytherapy-and-you>

<https://www.mayoclinic.org/tests-procedures/brachytherapy/about/pac-20385159>

<https://jamanetwork.com/journals/jama/article-abstract/2725673>

12. **Hazardous Compounds in Emissions:** While the amount of mercury vapors and VOCs in the crematory emissions may be low, any amount at all presents an unnecessary hazard to the public. The Council needs to err on the side of caution when so many vulnerable people live and work close to the crematory. There was no evidence submitted to show how much toxic material will be produced by the expected number of cremations. There have been documented accidents and mistakes made at crematories where the equipment malfunctioned, or the filters malfunctioned, or a technician made an error. I heard the Matthews salesman say these malfunctions can be caught and corrected, but what harm will be done before the correction is made? **If you lived nearby**, would you want to take that risk? What is the risk to a fetus being carried by a pregnant woman who is exposed to the toxic emissions from the crematory? Are there studies showing there is no risk?

13. **Longterm harm:** Testimony stated that the Pumphrey crematory has operated for decades, using Matthews' equipment and there have been no complaints that Mr. Barron knows of and no evidence of harm to the Bethesda community, including nearby schools, homes, etc. However, since the toxic emissions are not visible, how would one know there has been no harm? Have there been longitudinal epidemiological studies following neighborhood people over the past 30 years? Anecdotes that a council member did not detect any problem living near the Bethesda crematory is not scientific. Longitudinal data, not anecdotal data are needed.

14. **Testing:** The testimony by the DeVol team relied on U. S. EPA and Maryland MDE standards, inspections and regulations to ensure the safety of the crematory operation. Initial permitting procedures were cited and a statement was made that the MDE conducts routine inspections during crematory operations. But MDE doesn't test smokestack emissions unless there's a complaint. The U.S. EPA doesn't regulate crematories. Burning dead bodies isn't covered by the Clean Air Act. The city should not rely on these agencies to protect Gaithersburg citizens. That's your job.

<https://mde.state.md.us/programs/Permits/AirManagementPermits/Documents/MDCrematoryFinalDetandRTC.pdf>

The above linked document shows that inspections of a different kind of crematory equipment only addressed visible emissions and odors. No tests were done to detect other types of toxic emissions. The report addresses opacity, which is only one of many criteria for judging emissions. Although the MDE performed many inspections, the minimum requirement is to perform a full compliance evaluation only once every five years. Therefore, as government agencies experience budget cuts in future years, might the testing be cut to the legal minimum?

Why are there no smokestack tests? "That's the system in Maryland", stated Carol Green, DeVol's environmental attorney, at the 9/9 community presentation. The cremator system monitors itself. But those monitors only check for opacity! And sometimes monitors malfunction. At the 9/9 meeting, when asked what substances are in emissions and in what quantities (something councilman Wu requested), Carol Green replied: "Do your homework. Go to the MDE website and educate yourself." - nice.

15. **Incomplete and inaccurate Application:** The Preliminary Planning Staff Analysis of SP-8415-2020 concludes: "The Applicant has submitted for consideration concept site plan SP-8415-2020. This a complete application as set forth in § 24-160G.7(b). A public hearing with the Mayor & City Council has been scheduled for August 3, 2020."

SP-8415-2020 is **NOT** a complete application. The concept site plan does not include any description, photograph, or artist rendering of the new chimney and smokestack to be added to the building at 14 E. Deer Park. This is not just a minor architectural detail. This is crucial to understanding how the proposed crematory would look and operate. DeVol said they left it out of their application because the smokestack depends on what MDE permitting requires them to do. So the city doesn't know at this point if the chimney will be 3' tall or 25' tall. It will probably be closer to the latter since there are residences and offices near by. **What are you going to do** if later the MDE requires a smokestack to rise 12 feet above the roof? Also missing is any documentation supporting Matthews Cremation Division's claim that there will be no toxic emissions, smoke, harmful particulate matter, odors, or noise produced by the equipment.

DeVol team testimony made a false comparison when they said the emissions would be less than what a fast food restaurant would produce. There is currently no fast food restaurant at 14 E. Deer Park. They said it will produce fewer NOx (oxides of nitrogen -

pollutants) than a diesel trash truck and fewer VOCs (volatile organic compounds - like solvents) than a dry cleaner establishment. But THERE IS NO dry cleaner and THERE IS NO trash truck sitting for hours at 14 E. Deer Park. There is instead a single family home. Do you see how they twist logic? Do you trust anything they say?

The DeVol team also neglected to include the modeling information that will be used to certify or authorize the cremation equipment. Councilman Wu also requested this from the cremator manufacturer.

This missing information cannot be allowed to be included merely by verbal testimony or material inserted after the public hearing and commentary period. The public had a right to see this information in writing as part of the package published online, in time to include any questions or objections about the chimney and emissions prior to the initial August 3rd meeting.

The parking space information in the application is misleading. We asked at the community meeting why the total number of parking spaces provided was greater than the maximum number allowed in Exhibits 5 and 9. Scott Wallace answered that they were allowed to exceed the number of spaces required by 10%. That doesn't answer the question. See photos below.

EXHIBIT 5-

PARKING TABULATION—

NEW SITE (EXISTING + NEW ADDIT

2 PARLORS (BUILDING # 10)

NUMBER OF EMPLOYEES

TOTAL NUMBER OF SEATS (BUILDING #

TOTAL PARKING SPACES REQUIRED

TOTAL PARKING SPACES PROVIDED

MAXIMUM ALLOWED (REQUIRED * 1.1)

EXHIBIT 5

+++++

EXHIBIT 9-

PARKING TABULATIC

NEW SITE (EXISTING + NEW

2 PARLORS (BUILDING # 10)

NUMBER OF EMPLOYEES

TOTAL NUMBER OF SEATS (BUILDING

TOTAL PARKING SPACES REQUIRE

TOTAL PARKING SPACES PROVIDE

MAXIMUM ALLOWED (REQUIRED *

EXHIBIT 9

16. **Trust:** Since no one was under oath with penalty of perjury, there is no expectation that Mr. DeVol, the DeVol lawyers or the cremator salesman were telling the truth. There was no independent scientific documentation offered other than anecdotal statements that they haven't had any complaints. No wonder the 9/9 community meeting was controlled by the virtual meeting software so that

the public could not see who or how many were participating. No wonder Scott Wallace's assurance that a recording of the meeting would be made available was another lie. When will it be available? After the record closes? No wonder Scott said he'd record the DeVol presentation part of the meeting but not the question and answer session with the public. Do YOU trust this man? Given all the lies, half-truths, and lack of transparency, how can we believe this crematory is safe? Are we willing to bet our children's lives on that? Are YOU?

17. **The Public:** The public has not had a fair amount of time to inform themselves and comment on this application. Although the applicant had detailed planning documents since at least February 2020, the applicant waited until the legal deadline to inform the public in order to minimize opposition and comments. The requirement of only two weeks for public notification, the limitation of only 200 feet as a definition of who to notify, and the limitation of only English language documentation and notices is not something the Gaithersburg City Council should be proud of. Although this applicant abided by the letter of the law, you on the council should change these requirements so that future applications are fairer to the public you serve. I know business expansion and attraction is important to Gaithersburg, but please don't forget those of us who have lived here for decades. Gaithersburg West of 270 is bright, shiny, and new but the Gaithersburg East of 270 helped to build this city.

Respectfully,

Carla Weinberg

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You received this message because you are subscribed to the Google Groups "East Gaithersburg United" group.

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To view this discussion on the web visit <https://groups.google.com/d/msgid/eastgaitersburgunited/F1363C05-FBFD-48EC-A602-FF87CE57231A%40gmail.com>.

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 12:18 PM
To: 'Tammy'
Subject: RE: Request that you vote NO 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.

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: Tammy <herestammy@yahoo.com>
Sent: Wednesday, September 16, 2020 10:36 AM
To: Jud Ashman <Jud.Ashman@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>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: Request that you vote NO to DeVol Crematorium

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

Dear Mayor, City Council and Planning:

I have been a homeowner for over 28 years in the East Deer Park Neighborhood and I am writing to express my opinion and desire that you vote NO to allowing DeVol to build a crematorium on the site of a current home on East Deer Park Drive.

My reasons for not wanting the Crematorium are many:

- Due to toxic emissions, including mercury, crematoriums should not be and are usually NOT placed in a highly and densely populated areas. It's a bad idea. I care about Gaithersburg and it's residents and I can see future lawsuits based on health issues should this go forward. Mercury would be my primary, but not only concern, as my research has told me that mercury vapors in any amount are harmful. DeVol's claim that there are not many amalgam fillings remaining in those that would be cremated is false. The fillings with mercury last many decades (over 40 years and still going in my case, and dentists do not like to remove them do to the possible harm to the patient and dentists when vapor is emitted as it is in cremation). Also mercury is STILL being used in fillings, though other types of fillings are used also. The World Health Organization says that inhaling or ingesting mercury, even in small amounts could cause "serious health problems". Some of them include depression, tremors, memory loss, cognitive and motor dysfunction, as well as damage to the lungs, kidneys, eyes and digestive and immune systems. Not to mention many other toxins releases, dioxins, and 534 pounds of carbon dioxide released per cremation. Crematoriums need to be built in more RURAL areas where the toxins can be dispersed more widely into the environment without affecting mass populations so closely
- Due to the need for more residential housing in the area. I don't think the conversion of housing for a crematorium best serves the needs in a highly populated area near metro and transportation centers.
- Due to original zoning, code and definition of crematorium. The original zoning was residential and had to be changed to even allow such a proposal. The zoning change should not have been allowed for this purpose; it doesn't meet the needs and desires of the community.
 - Gaithersburg's definition of a funeral home does not include an intention for cremation. If that had been the City's intent for a funeral home, then there would have been crematoriums long ago in many places in the city. Montgomery County code does not allow crematoriums in residential or mixed commercial zones, but reserves them for industrial zoned areas.
 - The City should be working with Montgomery County to make more cohesive code and regulations throughout the county. I have noticed a lot of areas of the codes that the County has more thoughtful codes than the City does in making the area a more desirable place to live. If this is allowed for this area, then be prepared to allow it along the route 124, Great Seneca Highway and Rt. 28 corridors. Funeral homes with restrictions in many areas will be seeking plans with Gaithersburg to enable their businesses to be increased in this area. Do you really want that for the City? Are other more desirable businesses going to want to continue to move to this area as it becomes an area more and more where their employees do not desire to live?
 -
- Due to the unsightliness of the chimney in a RESIDENTIAL AREA. DeVol's plans are to use the existing residential home for the crematorium. That house is a one story tiny little house. They say they would build it up to hide the chimney. On a recent visit to northwestern PA, I looked at a new funeral home site with crematorium and how the chimney was hidden. This site was similar, but double in size to the existing DeVol funeral home and so the height and structure was such that all but about a foot of chimney was hidden within the funeral home, probably 20 feet of chimney. To "build up" that tiny house to be able to house and hide a 20 foot chimney would require such changes, second levels at least, that I find it hard to believe that it would be that cost effective for DeVol to do and is it unacceptable for an eye sore 8 to 10 foot chimney to be protruding from whatever it is they think they would be building. If you are going to make a crematorium it should be done right. Frankly, it does not appear that they have the space in the current location to do this right. I appreciate DeVol's desire to increase their business, but like many churches have had to do, they need to move further out where there is proper space for their plans (and yes less populated for this purpose). Woodbine, MD for example currently has a crematorium that is more in a rural setting.

- Due to effect on property values and desire of people to live in Gaithersburg. Yes, I do believe creating a crematorium in a residential neighborhood would decrease property values, and more so cause people not to want to live in the area and even move out of the area. I myself do not like many changes that have gone on in Gaithersburg over the past 10 years. Master plans have been changed and chopped so much that we are becoming over crowded with two gas stations and beer and wine stores on every block and little else. I don't understand why the City does not try to incentivize businesses that will add to the value of the City so that it prospers in a positive manner that citizens want to see! Yes, it takes more work and a pro-active approach but isn't that what we are electing our officials to do, make it a place where we want to live and prosper?
- Due to the future of disposition of the dead. With more and more people being concerned with the environment and how to decrease our carbon footprint, why doesn't DeVol look to the future and better methods of disposal of human remains? I have read that Alkaline Hydrolysis uses one tenth the carbon footprint that cremation does. In addition it does not burn fillings but leaves those for proper hazardous waste disposal. If DeVol wants a thriving business long into the future they should look at this process. It is legal in Maryland; I believe it just needs some marketing for it to take off. Has the City considered incentivizing DeVol to build this instead? The cost is greater, but if they study it they may find that it would be much better for their business in the long run. I think in the next 10 years we will see this becoming more common and cremation going away.

In conclusion, I am against the DeVol crematorium and urge the City Leaders that I have elected to consider my desires and those of a majority of its citizens and vote NO to allowing this crematorium.

Sincerely,

Tammy Weber

Hutton St.

Gaithersburg, MD 20877

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 12:27 PM
To: 'STANLEY ALSTER'
Subject: RE: Comments regarding application for Crematorium at 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.

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@gaitthersburgmd.gov

From: STANLEY ALSTER <salster1@comcast.net>
Sent: Wednesday, September 16, 2020 11:41 AM
To: Planning External Mailing <Planning@gaitthersburgmd.gov>
Cc: Jasmine Forbes <Jasmine.Forbes@gaitthersburgmd.gov>
Subject: Comments regarding application for Crematorium at DeVol Funeral Home

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

The following are my comments for inclusion in the record and your consideration regarding the application for a Crematorium at the DeVol Funeral Home.

I am opposed to the DeVol application to establish a crematorium at their current location

- No crematories currently exist in Gaithersburg nor are they identified in our existing zoning codes and ordinances as either a permitted use or subject to special exception. Requirements/ conditions regarding the location and safety of a crematorium should be in place BEFORE deciding on an application.
- An incinerator or crematorium is an industrial facility and should be located in an appropriate zone and location that is NOT adjacent to residential neighborhoods, high density dwellings or

schools. The proposed site is adjacent to residential neighborhoods, high density dwellings and is within blocks of a high school and an elementary school.

- A crematorium in the state of Maryland requires a special license, separate from that for operating a funeral home.
- Life is prolonged today through the miracles of modern medicine, and that includes various devices such as dental fillings, tooth implants, pacemakers, artificial joints and more that are installed in a person. When a body containing these devices is incinerated, known toxic and cancer causing elements in the devices escape through the chimney or stack, as gas or particles that pollute the environment and the air we breathe.
- There are no conditions stated to limit or otherwise monitor the effluent discharged from this crematorium/incinerator.

With progress comes change and this is not the first time nor will it be the last time that progress drives changes faster than the city zoning ordinances and codes could be updated.

As an example, just a few years ago cell phone signals were weak or nonexistent in some areas of the city. Cell phone service companies wanted to improve cell phone signals by installing large towers with cell phone antennas and repeaters throughout the city, but such towers and equipment were new and were not specifically addressed in the city zoning, ordinances or codes. There were similar issues regarding the placement of such towers, the impact on neighborhoods and aesthetics, and safety from signal energy emanating from the antennas etc.

The city held public hearings that included residents, applicants and outside experts. Issues and concerns were addressed and proper language was developed and introduced into the zoning ordinances and codes. Towers that were needed and met the new requirements were approved.

The city process of review and public hearings works. Have the discussions with the city staff, outside experts, residents and applicants and come up with and implement the requirements that are best for the city and its residents, BEFORE deciding on this application.

Stanley J Alster

9326 Edgewood Court

Gaithersburg, MD 20877

Subject: DeVol application for a crematorium at 10 and 14 East Deer Park Drive

I am opposed to the DeVol application to establish a crematorium at their current location

- No crematories currently exist in Gaithersburg nor are they identified in our existing zoning codes and ordinances as either a permitted use or subject to special exception. Requirements/ conditions regarding the location and safety of a crematorium should be in place BEFORE deciding on an application.
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Stanley J Alster

9326 Edgewood Court

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, September 16, 2020 12:33 PM
To: 'jchris43@gmail.com'
Subject: RE: Crematory public statement (1)

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@gaitersburgmd.gov

From: Judy Christensen <jchris43@gmail.com>
Sent: Wednesday, September 16, 2020 11:21 AM
To: CityHall External Mail <cityhall@gaitersburgmd.gov>
Subject: Crematory public statement (1)

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

Please accept these comments for the record on **SP-8415-2020.**

Thank You,
Judy Christensen

6 Walker Avenue
Gaithersburg, MD 20877

September 16, 2020

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

Submitted via Email to: cityhall@gaitthersburgmd.gov

RE: **SP-8415-2020**: #10 and #14 East Deer Park Drive

Dear Mayor Ashman and Members of the City Council;

Concept Plan Application SP-8415-20201 seeks to build a crematory on the rear of a house at 14 E. Deer Park adjacent to several established family neighborhoods and in the residential zone of the Frederick Avenue Corridor.¹ Crematory use is not permitted by right in any City zone and in surrounding jurisdictions is allowed only in industrial zones. This use is possibly illegal and certainly incompatible and inharmonious with the uses in this location. This application should be denied.

DeVol Funeral Home wants to add on-site cremation as a public service saying that it is in the public interest. Granted, cremation has become more common and some mourners want to personally attend and share this last farewell with friends and family. DeVol presently arranges this last rite to be held at a crematorium in Alexandria, VA. and could continue to do this. The rationale is to save local mourners time and travel, but this is exactly what happens when mourners follow their casketed loved ones to a cemetery near or far for internment services.

Crematories are regulated by zoning in most places as a high temperature incinerator and are allowed only in industrial zones. Montgomery County conditionally allows crematories only in a heavy industrial zone. Rockville specifically does not include crematories in its definition of funeral homes. The District of Columbia traditionally had crematories in cemeteries. Building a

¹ CONCEPT SITE PLAN The Applicant is requesting 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 Applicant will submit a preliminary subdivision plan as part of the preliminary/final site plan application to consolidate the two (2) lots. A final record plat will be required prior to the issuance of a site development permit.

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. As stated in the letter from the manufacturer, the equipment for the crematorium will not generate smoke or odor.

crematory on privately owned land in D.C. requires written approval of half the property owners within 200 feet of the facility and the Mayor's approval.

Crematories did not officially exist in Gaithersburg prior to the DeVol application. No mention of "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 as a non-permitted use in Gaithersburg. The applicant's attorney has interpreted 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 debatable.

If this interpretation is sustained, it will have consequences. Crematoria will become a permitted use by right as part of a funeral home in three other zones: the CD, Corridor Development zone, for example, the Frederick Avenue Corridor, the CBD, Central Business District zone, like Olde Towne, the C2 Commercial Zone which it most shopping centers, and by special exception in MXD, Mixed Use Development 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 zoning change would be totally administrative. It may also be illegal as it lacks due process.

The site is a separate lot, taxed as a residential property, but is now in the Southern Residential District of the Frederick Avenue Corridor Development Zone due to common property ownership. Approval of concept plan application SP-8415-20201 must be decided by the Mayor and Council with findings that "the plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas...." DeVol has said the house façade and form will not change except for the addition of the crematory at the rear, which will not be visible from the street nor produce odors or particulates. It claims no impact will be made on the community.

Merely retaining the residential facade and form of this house with a 25-foot smokestack and a high temperature incinerator hidden on the rear will not make this use compatible and harmonious with its neighboring residential and public uses. There will be some emissions even with modern filters. In 2013, the Millersville MD permit indicated that a two-retort crematorium operating at peak capacity, "showed a maximum potential to emit of mercury of 57 pounds per year." by the Maryland Department of Environment.² Gaithersburg's single output would be much less, but mercury is cumulative and dangerous to developing infants. In the rare event that an accident occurs, it would cause less damage and consequences in a non-residential area. Most jurisdictions allow crematoria only in industrial zones for these reasons.

The crematory will have two immediately adjacent residences, a confronting apartment complex, a small office park across the street, and established residential neighborhoods next or close to it. In an eight-block radius are four schools, four churches, a City recreational and activity center, two parks, and hundreds of residential units.

²

<https://mde.state.md.us/programs/Permits/AirManagementPermits/Documents/MDCrematoryFinalDetandRTC.pdf>

Comments on SP-8415-2020:

The DeVol funeral home has been used with satisfaction by many of its neighbors who want to support local business, but the great majority of the 300+ comments to the City do not support this project. It will reduce housing values, discourage families from locating here, and carries a risk of mercury pollution. Gaithersburg claims it wants to support and enrich its established older neighborhoods but ask yourself if you would want a crematorium installed within several hundred feet of your home. And if you live in or near a CBD, CD, C2 or MXD zone, this could happen sooner than you think.

Lawyers probably will decide if Gaithersburg's definition is right or wrong, and time could prove if such a use here has an impact, but tacit approval of this use through this application will allow a new use in areas where it was not anticipated or allowed and is probably undesired. If Gaithersburg wants to be the crematory center of Montgomery County and the Metro area, please follow the public process for zoning changes or modifications and have a public discussion on where this necessary service should be located. This is simply the wrong location for a high temperature incinerator of human remains. It is incompatible and inharmonious with the surrounding home, church, school, and recreational uses. This application should be denied.

Yours Truly,

Judith A. Christensen
6 Walker Avenue, Gaithersburg MD 20877