

**TOWN OF ELKTON  
PLANNING COMMISSION  
FEBRUARY 6, 2023  
MEETING MINUTES**

**Present:** Dave Wiseman; G. Edward Ginder; William Muller; Keith Thompson; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning

**Absent:** Mandy Feeney

Mr. Wiseman called the meeting to order at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the January 9, 2023 meeting. There being no corrections from the Commission members, Mr. Wiseman called for a motion.

**MOTION:** Motion was made by Mr. Ginder to approve the minutes of the January 9, 2023 Planning Commission meeting as written. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

**REQUEST OF FREDERICK WARD REPRESENTING CROSSWINDS LANDING, LLC, FOR PATRIOTS LANDING, PRELIMINARY MAJOR SUBDIVISION PLAN, LANDSCAPE & LIGHTING PLANS, 32, 80 & 180 MUDDY LAND, TAX MAP 027F, PARCELS 117, 118 & 1107 AND ZONED R-2 (SUBURBAN RESIDENTIAL)**

This item was removed from the agenda.

**REQUEST OF JOSH QUIGLEY FOR A HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 211 THOMAS JEFFERSON TERRACE, ELKTON, MARYLAND, TAX MAP 027I, PARCEL 2451 AND ZONED R-2 (SUBURBAN RESIDENTIAL)**

Mr. Josh Quigley of 211 Thomas Jefferson Terrace was in attendance to address this request. He stated he is requesting to start an in home federal firearms licensing business which would allow commerce through firearms. This license would allow him to buy, sell, trade and transfer firearms.

He stated he understands the biggest issue is selling of firearms. He noted he will not be selling firearms at his residence. The license will allow him to sell firearms and accessories from different locations such as shows and other events. He used his home address only for the application.

Mr. Quigley stated primarily what he would be doing from his residence would be transferring firearms. He said as far as the federal government is concerned transfer of firearms has to be done in person and not necessarily sales. He stated, for instance, if people were to buy firearms online the seller would have to send the firearm to him for the transfer. Purchases made online that come to him to do the background check and then he gives them their firearm and the transfer is complete. He noted he does not intend to keep stock at his residence.

Mr. Wiseman asked if he has ACL training. Mr. Quigley stated he currently has HQL training and is currently working on his CQL training. He mentioned that he has had experience with firearms since he was 16 years old. He is a hunter and is an IEPA competitor. He does skeet, trap and 5 stand shooting. He said he is comfortable and safe around firearms and is training his children to also be familiar with and safe around firearms.

Mr. Wiseman noted that Patriot's Glen has a very active homeowner's association. Mr. Quigley stated his HOA representative is Joe Cline and that he did seek approval from the HOA Board and received unanimous approval. Ms. Minner asked if she could get a copy of the written approval from the HOA Board. He said he would forward a copy to her by email.

Commissioner Broomell asked if he has been doing this for a while. He stated he has always wanted to hold a firearms license but this is the first time he has applied for one. He said this is not meant to be a primary source of income for him. It is more of a hobby where he can earn extra income. She asked how many people might be coming to his home. Mr. Quigley stated he may have a few dozen within the first year until his name gets out into the public. He said if the business grows then he would move to a brick and mortar store.

Discussion ensued regarding the procedures regarding apply for and receiving a firearm within the State of Maryland and the different regulations associated with the process. It was noted that the process of transferring a firearm from the license holder to the client is approximately 45 minutes.

Mr. Wiseman asked if he would be involved in gunsmithing at his residence. He stated he does ammunition reloading for himself but not for the public due to liability concerns.

Ms. Minner asked at what point he would be looking to move to a brick and mortar store. She noted that the main concern would be the amount of traffic coming and going from the residence. Mr. Quigley stated he didn't have a particular number of clients in mind but he pointed out that if the business gets to be a nuisance in the community then the HOA will revisit his request and could rescind their approval of his home occupation.

Ms. Minner asked Ms. Blackson for her guidance regarding whether the Board should put limits on the number of clients. Ms. Blackson noted that what is being considered is that the HOA has already approved the home occupation and if that changes then the Town should be made aware of that fact.

There was discussion regarding the fact that Mr. Quigley would not be selling the firearms but would be transferring to clients. Ms. Minner stated the main concern is impacts to the community. Mr. Quigley noted his property is large enough to allow for an additional parking space so that clients would not have to park on the street. Mr. Muller questioned how issues would be handled if issues were to arise from the home occupation. Mr. Wiseman noted that once the Commission makes its decision any issues would then need to be handled by either Town regulations or through the police department, etc. He also reiterated that this process is highly regulated by the State of Maryland and the federal government.

Ms. Blackson explained that enforcement would fall back on the HOA. Residents are responsible to abide by the HOA regulations. The HOA cannot restrict things beyond what the Town would restrict but they can have their own rules for that subdivision that the Town would not regulate. The HOA consent and approval is necessary since it is part of their regulations and have a contract with the residents that they will abide by those regulations. It was decided a copy of the HOA approval for this home occupation should be forwarded to Ms. Minner for placement in the file for future reference.

Mr. Quigley pointed out that there is a daycare in the community which has 10-15 children and numerous cars at the home each day when the children are picked up and dropped off. His home occupation would not exceed the number of cars involved at the daycare in one day.

Mr. Wiseman asked if the Commission members had any other questions. There were no additional questions. He asked if anyone in the audience had any questions. There was no one in attendance who had any questions.

**MOTION:** Motion was made by Mr. Muller to approve the home occupation for Mr. Josh Quigley to hold a federal firearms license at 211 Thomas Jefferson Terrace, contingent upon a copy of the Patriots Glen Homeowners Association approval information is provided to Ms. Minner. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

**PUBLIC HEARING – ORDINANCE 1-2023 AMENDMENT TO TOWN OF ELKTON ZONING ORDINANCE, ARTICLE XII SUPPLEMENTARY USE REGULATIONS, SECTION 33. MEDICAL USE IN THE TC ZONE (3.130 AND 3.140), AND ARTICLE XII SUPPLEMENTARY USE REGULATIONS, SECTION 34. COUNSELING IN RO AND TC ZONES**

Ms. Minner stated the Planning Department has been contacted by a number of people asking to place medical uses in town. If you remember the Town had restricted medical uses in the Town Center zone because we were seeing a lot of retail and restaurant use being replaced with medical offices. In order to slow that down some regulations were made by the Zoning Administrator that would limit new medical offices in the Town Center zone. Unfortunately there is a hospital in the Town Center zone and uses associated with the hospital are affected by the new regulations.

Because of these concerns Ms. Minner and Mr. Bromwell felt, during the Comprehensive Plan update, a ‘hospital zone’ might alleviate some of the nonconforming situations so that we can still have a vibrant downtown commercial area. Ms. Minner provided a handout showing the area they are considering for this ‘hospital zone’ (see attached). The intention is to allow medical uses by special exception in the TC Zone (within the boundary described as follows: properties located on the north side of West Main Street’ both sides of North Bridge Street (MD 213); the south side of Amtrak railroad; and the west side of Bow Street) (see attached public notice). This is a recommendation to the Mayor & Commissioners for the amendment to the Zoning Ordinance.

**MOTION:** Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for Ordinance 1-2023 to amend Article XII Supplementary Use Regulations, Section 33. Medical Use in the TC Zone (3.130 and 3.140) and Article XII Supplementary Use Regulations, Section 34. Counseling in the RO and TC Zones as presented. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

**OLD BUSINESS:** Mr. Ginder stated he would not be at the March meeting. He would like to know how they are going to address Singlerly Fire Company comments regarding Patriots Landing.

**NEW BUSINESS:** Ms. Minner stated she has had a few meetings with representatives from Maryland Department of Transportation regarding the feasibility of a train station in Elkton. They are taking another look at where it might be located, possibly between Bridge Street and North Street. One property they are looking at is owned by Union Hospital where the residential rehab location was going to be. Discussion ensued regarding the train stations in Perryville and Newark, DE.

Mr. Wiseman asked about the status of the 7-Eleven, Sheetz and ModWash. Ms. Minner stated 7-Eleven pulled out of the contract but she is unsure why. She mentioned that LIDL did the same thing. She stated that Sheetz and ModWash are continuing to move forward. In fact, ModWash submitted plans for the March Planning Commission meeting.

There were questions about removing the rest of the hotel which was partially demolished when 7-Eleven did their grading and curb work. Ms. Minner stated that Mr. Bromwell is in contact with the developer regarding the project. It was noted that the water line had been put in for the Town.

Ms. Minner said there are a number of projects moving through the review process such as Estes, ModWash, and Taco Bell. They are getting ready to begin construction on the roads and pump station.

There was discussion regarding the lights reflecting off the Logistics warehouse building and how that can be addressed as things move ahead with the other warehouse being built. Mr. Muller stated he has received complaints from residents in the area and stated there is no decent buffer to block the lights which are being reflected off the building into the residential properties that are adjacent to the project. There has been discussion between Mr. Tom Rathburn and Mr. John Connelly about the possibility of painting the building to cut down on the reflected light.

There was discussion regarding lighting requirements with respect to building height and location. Ms. Minner stated there are no regulations regarding reflected light. It was suggested that the regulations be reviewed to try to address those concerns. Discussion ensued regarding the light issues and bufferyard requirements.

Ms. Minner informed the Commission members that Ms. Mandy Feeney will be stepping down from the Board at the end of her term on February 28, 2023. We will need two additional Commission members. Commissioner Broomell asked anyone to provide names of individuals who might be interested in being appointed.

Mr. Ginder and Commissioner Broomell stated they would not be in attendance at the March 6<sup>th</sup> Planning Commission meeting. There was discussion regarding what constitutes a majority.

Mr. Wiseman stated the next meeting of the Planning Commission will be on March 6, 2023. There being no additional items to discuss Mr. Wiseman adjourned the meeting at 6:56 P.M.

Respectfully submitted,

Brie Humphreys