

**TOWN OF ELKTON
BOARD OF ZONING APPEALS
FEBRUARY 17, 2022
MINUTES**

Present: Robert Olewine; Shirley Hicks; Heather Mahaffey; Chip Bromwell, Zoning Administrator; Lisa Blackson, Esq., Legal Counsel

Absent: Dawn Schwartz; Kelly Bedder

The meeting was called to order by Mr. Olewine. He asked if there were any corrections to the minutes. There being no corrections he called for a motion to approve the minutes from the January 20, 2022 meeting as written.

ACTION: Motion was made by Ms. Hicks to approve the minutes from the January 20, 2022 meeting as written. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.

Mr. Olewine called for all presenters to be sworn in. Ms. Blackson swore in the presenters.

CASE # 1596 – REQUEST OF MELISSA PAISLEY REPRESENTING WALMART FOR A SPECIAL EXCEPTION FOR THE PLACEMENT OF FORTY FIVE (45) STORAGE TRAILERS FROM SEPTEMBER THROUGH JANUARY FOR THE HOLIDAY SEASON. THIS ACTION CONCERNS PROPERTY LOCATED AT 1000 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 0493 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Melissa Paisley representing Walmart was in attendance to address this request. Ms. Paisley explained they are requesting to place forty five (45) storage trailers on the Walmart property for use during the holiday season. She stated the trailers came in handy for this year especially during the Covid virus. She noted that at one time they had almost 80 associates out sick and have only recently gotten back to their normal hours. She said the trucks delivering merchandise don't stop just because there aren't as many people to unload them so the trailers have been a great asset.

Mr. Olewine stated the trailers are being requested only during September through January for a three year period. Ms. Paisley confirmed that is what is being requested.

Mr. Olewine entertained questions from the other Board members. Ms. Hicks asked if this special exception request would begin in 2022. Ms. Paisley confirmed that date and stated that there was an oversight during this past holiday season. She stated she, and the current store manager, are relatively new to the store and were not aware that the special exception was required. She stated once they were made aware of the oversight they contacted the marketing team and the home office and this special exception will be tracked by both teams in the future.

Mr. Olewine asked if the trailers were specifically for holiday merchandise as opposed to garden center merchandise. Ms. Paisley stated the trailers are only used for merchandise for the holiday season. Merchandise for the garden center is stored in house.

Mr. Olewine entertained questions from the audience. There was no one in attendance to speak for or against this request.

Mr. Olewine read the Planning Commission recommendation for this special exception request (see copy attached).

There being no further questions or comment Mr. Olewine moved on to the next agenda item.

MOTION: Motion was made by Ms. Hicks to approve the special exception for the placement of forty five (45) storage trailers for a period of three years from September through January for the holiday season commensurate with the condition that the trailers that are currently in place are removed by the end of February 2022. The motion was seconded by Ms. Mahaffey with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.

CASE # 1602 – REQUEST OF RED LEAF CHESAPEAKE BLVD, LLC REPRESENTING CLEARWAY PAIN SOLUTIONS FOR A SPECIAL EXCEPTION TO ALLOW A MEDICAL CLINIC AND SURGERY CENTER SPECIALIZING IN PAIN MANAGEMENT. THIS ACTION CONCERNS PROPERTY LOCATED AT 101 CHESAPEAKE BOULEVARD, ELKTON, MARYLAND, TAX MAP 033C, PARCEL 2439 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Robert Statkiewicz of Red Leaf Chesapeake Blvd, LLC and Ms. Debbie Bloodsworth of Clearway Pain Solutions were in attendance to address this request. Mr. Statkiewicz stated that he had purchased the building and has spent a good bit of money to update the building from the condition it was in at the time it was purchased. He stated they have made a business agreement with Clearway Pain Management to occupy the space that had been used by the old surgery center. He noted that these two businesses have similar uses. Mr. Statkiewicz introduced Ms. Debbie Bloodsworth, the Senior Vice President of Clearway Pain Solutions and stated she would be able to provide specific information regarding the operations of their business.

Mr. Olewine asked which specific building Clearway would be utilizing. Mr. Statkiewicz stated it is the first building on Chesapeake Boulevard where the Social Security Administration had been.

Mr. Olewine asked Ms. Bloodsworth to provide the Board with an overview of their work. Ms. Bloodsworth stated they work with patients who need chronic pain management. Their office will be open Monday through Friday from 8 a.m. to 5 p.m. She stated they generally see 8-10 patients an hour. They are seen by their provider to determine what their needs are and they are treated with low dose medication and they also provide some alternative medicines.

Ms. Bloodsworth stated they have opened an ambulatory surgery center where they do nerve root injections, epidurals, some spine cord SIM trials and implants if the trial works for the patient. The patients have the surgery done and are in and out within an hour and released. She stated there are no overnight stays at the center. She stated the implants are electrical stimulation implants, like an internal TENS unit.

Ms. Bloodsworth stated they do some low sedation for certain patients and the medication used for these procedures is under double lock and key. She noted that the medications are accounted for on a daily basis and are spot checked weekly as well. She stated that most of their physicians sit on the Maryland Board of Physicians, some also sit on the Board of Medical Assistance on Opiate Guidelines.

Ms. Bloodsworth explained they do urine tox screenings on a random basis for all of their patients. If anyone is not abiding by the rules of the company is discharged from the practice. They do not tolerate any inappropriate behaviors.

Mr. Olewine stated their patients have chronic pain which they have difficulty dealing with. Ms. Bloodsworth stated their patients often times have chronic pain from previous surgeries or end stage cancer patients. Some of these cancer patients have medication pumps implanted by their oncologist and they come in to have them checked and calibrated. Ms. Bloodsworth stated that the pumps are set with the appropriate dosage of medicine for the individual patient. She mentioned they do not store medication onsite. The medicine for each patient comes in the day they are to see the patient. The medication is ordered from a specialty pharmacy and delivered each day by 8:00 a.m. She noted that in the State of Maryland they only have 10 patients for which this is done. There are currently none of these patients in Elkton.

Mr. Statkiewicz stated they are a fairly large corporation with multiple office in a couple of states. Ms. Bloodsworth shared they are currently in Alabama, Florida, Delaware and Maryland. They have 17 ambulatory surgery centers in Maryland.

Mr. Olewine asked if all the doctors affiliated with the business are board certified. Ms. Bloodsworth stated all the physicians are either board certified in psychiatry, physical medicine and rehabilitation or anesthesia.

Mr. Olewine entertained questions from the Board members. Ms. Mahaffey if the patients they see are by appointment only. Ms. Bloodsworth confirmed the patients are by appointment only and she stated they do not take walk ins and do not take cash payments. Ms. Mahaffey asked if this was strictly pain management as opposed to addiction services. Ms. Bloodsworth stated they do not do any addiction services through their company.

Mr. Olewine opened the floor to audience questions. There was no one in attendance to speak for or against this request.

Mr. Olewine read the recommendation from the Planning Commission meeting on February 7, 2022 (see copy attached).

Mr. Bromwell asked for clarification from Ms. Bloodsworth regarding the specific special exception they were requesting, whether a practice with up to 3 professionals or 4 or more professionals. Ms. Bloodsworth stated it would be 4 or more professionals. Mr. Bromwell referenced Zoning Ordinance Section 3.14 which references '4 or more professionals seeing patients'.

There being no further questions regarding this case Mr. Olewine moved on to the next agenda item.

MOTION: Motion was made by Ms. Mahaffey to approve the special exception to allow a medical clinic and surgery center specializing in pain management as noted in Section 3.14 of the Permissible Uses Table in the Town Zoning Ordinance referencing '4 or more professionals seeing patients'. The motion was seconded by Ms. Hicks with the remaining Board members voting as follows: Mr. Olewine – Aye. The motion passed unanimously.

CASE # 1603 – REQUEST OF SARAH WARD-LEWIS REPRESENTING DRAYER PHYSICAL THERAPY PARTNERS, LLC FOR A SPECIAL EXCEPTION FOR OUTPATIENT PHYSICAL THERAPY. THIS ACTION CONCERNS PROPERTY LOCATED AT 132 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2403 AND ZONED C-2 (HIGHWAY COMMERCIAL)

There were no representatives in attendance for the meeting and therefore the case was considered withdrawn.

OLD BUSINESS: None

NEW BUSINESS: Mr. Bromwell stated there has been one case submitted for the March meeting to date for an adult daycare on Bridge Street.

NEXT MEETING: Mr. Olewine stated the next meeting of the Board of Zoning Appeals will be Thursday, March 17, 2022.

There being no further business to discuss Mr. Olewine adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Brie Humphreys