

**TOWN OF ELKTON
PLANNING COMMISSION
February 8, 2016**

PRESENT: David Wiseman; G. Edward Ginder; Keith Thompson; Rick Keane; David Fordyce; Jeanne D. Minner, Director of Planning; Mayor Robert J. Alt; Cameron Brown, Esquire; Theresa C. Thomas, Assistant Planner

ABSENT: Steve Leonard

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: A motion was made by Mr. Ginder to approve the minutes from the December 7, 2016 Planning Commission meeting. The motion was seconded by Mr. Thompson and unanimously approved.

MR. BRUCE E. PAYNE, IN-HOME OCCUPATION, 106 NEWARK AVENUE, ELKTON, MARYLAND 21921, TAX MAP 306, PARCEL 2147, ZONED R-1

Mr. Payne introduced himself to the Commission and stated that he would like to operate a gunsmithing shop from his home. He stated that it would be a part-time operation until he retires and then he may expand. He stated that he would be acquiring a Federal Firearms License.

Mr. Wiseman asked if he was required to have a Federal Firearms License (FFL) to be a gunsmith.

Mr. Payne stated that if you were just doing the gunsmithing for friends and family you didn't need one but if you are taking in guns, especially handguns, from others legally you should have one.

Mr. Wiseman clarified that Mr. Payne was at the meeting tonight for two (2) reasons: (1) an in-home occupation that complies with the requirements of the Zoning Ordinance and (2) a letter from the Town that this is acceptable to the Town at this address. He questioned whether or not, once Mr. Payne had his FFL if he would be buying and selling guns and would they be shipped to 106 Newark Avenue. He asked if there would be any gun manufacturing at this site.

Mr. Payne stated that he would not be buying or selling guns and that he had no desire to do so in the future. He stated that any guns he would be working on would be dropped off and picked up by the owner. He further stated that he would not be manufacturing any guns.

Ms. Minner asked if he would be using power tools or equipment that was noisy, emitted any noxious fumes or could cause vibrations in neighboring homes.

Mr. Payne stated he would be using only small power tools.

Mr. Ginder questioned whether the Elkton Police Department had been advised of this request.

Mr. Payne stated that he had been informed that when he filled out the paperwork for the FFL, the Chief of Police would be given a copy.

Mr. Payne explained the application process to the Commission.

Mr. Keane questioned placing such a business in close proximity to three (3) schools: Elkton High School, Elkton Middle School and Gilpin Manor Elementary School. He asked Mr. Cameron what the liability of the Commission would be if they approved this in-home occupation and, worst case scenario, the home was burglarized, weapons stolen and used against school children.

Discussion ensued regarding the responsibilities and liabilities of the Commission members, the notification of police and emergency services regarding the operation of the business at this location. Also discussed was what criteria they were using to decide whether or not to approve this request.

Ms. Minner noted that the criteria to be used is found in the Zoning Ordinance under In-Home Occupations.

Mr. Cameron stated that if anything were to result from a burglary at this location the liability to the Commission would be at best tenuous. He stated that he could think of no precedent for such a liability.

Mr. Cameron asked Mr. Payne about his security.

Mr. Payne stated that, as part of the licensing, he is required to install an alarm system and that all weapons needed to be secured in a safe. He further stated that in addition to yearly inspections a federal agent could drop by his residence at any time to ensure that he was in compliance with the conditions of his license.

Mr. Cameron reminded the Commission that what they are looking at tonight is whether or not the Zoning Ordinance allows this use and whether or not the applicant is complying with those requirements.

Further discussion ensued regarding hours of operation, testing of weapons and requirements of licensing.

Mr. Wiseman entertained additional comments from the Commission members and the audience. There were none.

MOTION: Mr. Ginder made a motion to approve the In-Home Occupation at 106 Newark Avenue for a period of one (1) year contingent upon copies of all licensing from all agencies that restrict this use and copies of all inspections. Mr. Fordyce seconded the motion. The motion passed unanimously.

Mr. Wiseman noted that the next item on the agenda was the 2015 Annual Report. He asked Ms. Minner to explain the document.

Ms. Minner stated that every year the Town was required to submit an Annual Report to the Maryland Department of Planning summarizing, among other things, the projects reviewed, permits issued, Critical Area and Historic District activities, annexations, etc.

The Commission commended her on the report and stated that they had no objections, additions or deletions.

Mr. Wiseman noted the next item on the agenda was election of officers. He opened the floor for nominations for Chair and Vice-Chair.

MOTION: Mr. Ginder nominated Mr. Wiseman to continue as Chair. Mr. Thompson seconded the motion. The motion passed unanimously.

MOTION: Mr. Wiseman nominated Mr. Ginder to continue as Vice Chair. Mr. Keane seconded the motion. The motion passed unanimously.

OLD BUSINESS: Mr. Wiseman asked for information regarding the status of the Wawa project. Ms. Minner stated that they had received permits and were getting ready to start when it snowed.

Mr. Thompson questioned the status of the old Serenity site on US 40.

Ms. Minner stated that the owner had submitted plans to State Highway regarding curbing but she did not know if they had been approved. She stated that the use loses grandfathering after 180 days and we were about three (3) months into that time period.

NEW BUSINESS: None

The meeting adjourned at approximately 7:35 PM.