



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: January 18, 2022
Re: Subtract, Inc.
cc: Jason and Ashley Smith

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Town of Southeast Application Form, dated 1/5/22
- Statement of Use, prepared by Ashley and Jay Smith, dated 1/5/22
- Short EAF, signed 1/5/22

PROJECT DESCRIPTION

Subtract, Inc. (the “Applicant”) is seeking conditional use permit approval for a “Home Occupation” for the operation of an internet-based Federal Firearms Licensed (FFL) business. The applicant proposes to purchase firearms at wholesale and resell them in an online store. Firearms would be shipped to local FFL businesses for customer background checks and pickup. All purchases would be shipped using standard residential pickup from carriers such as UPS, FedEx, and USPS, and no customers would visit the premises. The property is a single-family home located at 20 Welfare Road in the R-160 Zoning District (Tax ID 36.-1-44.2).

COMMENTS

1. In 2021, the Applicant submitted an application for a conditional use permit for a home-based occupation for a similar FFL business. The application was referred to the Zoning Board of Appeals (ZBA) on two separate occasions for an interpretation of whether or not the proposed business fell within the definition of a home-based occupation. In both instances, the ZBA determined that the proposed use was not a home-based occupation, and the Planning Board subsequently denied the conditional use permit application.
2. The application also references the bidding on government contracts for the “manufacture of destructive devices” such as 40mm launchers for non-lethal use. It is unclear if these would be manufactured on site or if they would be purchased and resold by the Applicant. This must be clarified in the application.

RECOMMENDED ACTIONS

At the January 24, 2022 meeting, AKRF recommends that the Planning Board consider referring the application to ZBA for interpretation of whether the proposed use meets the criteria of a permissible home occupation per 138-56.2.A(2) and (9).