

ARTICLE X: Amend Zoning Bylaw: Firearms Business Use

To see if the Town will vote to amend the Zoning Bylaw to Regulate Firearms Business Uses by Amending Section 1.3 (Definitions), Section 3.6 (Industrial District Uses), Section 3.10 (Table of Principal Uses), and Section 8 (Special Regulations) to add a new Section 8.11 (Firearms Business Uses) as follows ; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

A) Amend Section 1.3 (Definitions) by adding the following definitions to be integrated in alphabetical order within the existing Section 1.3:

AMMUNITION – As defined or amended by State statute or regulations, including, but not limited to, cartridges or cartridge cases, primers (igniters), bullets, tear gas cartridges, or propellant powder designed for use in any FIREARM.

FIREARM –Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including, but not limited to, guns, pistols, shotguns, and rifles.

FIREARM ACCESSORY – Any device designed, modified or adapted to be inserted into or affixed onto any FIREARM to enable, alter or improve the functioning or capabilities of the FIREARM or to enable the wearing or carrying about one’s person of a FIREARM.

FIREARMS BUSINESS USE– Any of the following uses:

- a. FIREARMS BUSINESS USE: Any retail or wholesale operation involving the purchase or sale, in any amount of FIREARMS or AMMUNITION; sale of FIREARM ACCESSORIES, in any amount; any retail or manufacturing operation involving, in any amount, the repairing, altering, cleaning, polishing, engraving, bluing or performing of any mechanical operation on any FIREARM; and sale of conversion devices, in any amount, such as an auto sear, fuel filters or solvent filters, trigger switches and/or similar products that when combined create a FIREARM.
- b. GUNSMITH – Any retail or wholesale operation involving the repairing, altering, assembling, cleaning, polishing, engraving, bluing or performing of any mechanical operation of any FIREARM.

B) Amend Section 3.6.3 by adding a new Section 3.6.3.12 FIREARMS BUSINESS Use as follows:
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3.6.3.12 FIREARMS BUSINESS USE

C) Amend Section 3.10 (Table of Principal Uses) by adding the following to be inserted after “Microbrewerys, Craft Brewerys, Brew Pubs” in the “Business & Commercial Uses” Section of Section 3.10:

Principle Uses	Residential	Business	Compact Business	Lower Village Business	Industrial	Commercial	Recreation/Conservation	Floodplain Wetlands	Refuse Disposal	Site Plan Approval
<i>FIREARMS BUSINESS USE</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SPP</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>(3)</i>

D) Amend Section 8 (Special Regulations) to include a new Section 8.11 to read in its entirety as stated below:

8.11 FIREARMS BUSINESS USES

8.11.1 Purpose

The purpose of this bylaw is to establish reasonable criteria for the establishment of FIREARMS BUSINESS USEs in the Town of Stow to address public safety concerns arising from the operations of such businesses and the potential disruption of peace and quiet enjoyment of the community and to regulate the location, siting, design, placement, security, safety, monitoring, and modifications of FIREARMS BUSINESS USES within the Town of Stow to minimize the adverse impacts of FIREARMS BUSINESS USES on adjacent properties, residential neighborhoods, schools and other places where children congregate, and to protect and promote the quality of the Town of Stow’s neighborhoods, commercial and business districts, conservation land and trails, and the general welfare, health and safety of the citizens of Stow.

8.11.2 Compatibility with State and Federal Laws and Regulations

The provisions of this bylaw are not intended to supersede federal or state laws or regulations except to the extent that any such laws or regulations allow a community to adopt standards more stringent than the minimum standards provided in such laws and regulations.

8.11.3 Applicability

- a. No FIREARMS BUSINESS use shall commence unless permitted by the issuance of a special permit as authorized by this bylaw.
- b. No FIREARMS BUSINESS use shall operate until the operator has obtained all necessary Federal, State, and other required local approvals and licenses.
- c. The establishment and operation of FIREARMS BUSINESSes shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Section 8.11, any other applicable requirements of the Zoning Bylaw, and all applicable Federal, State, and local laws and regulations.

8.11.4 Location requirements

- a. No special permit for a FIREARMS BUSINESS use shall be granted where such use would be located within 500 feet of a:
 - i. Residential use, residential zoning district, or mixed-use districts within which residential uses are allowed;
 - ii. Public or private elementary school, middle school, or high school;
 - iii. CHILD CARE FACILITY, including family childcare homes, childcare centers, and/or nursery and/or preschools;
 - iv. Any establishment catering to or providing services primarily intended for minors, including, but not limited to, establishments such as activity centers or commercial recreation centers;
 - v. Church or other religious organizations;
 - vi. Public park or conservation land including a trail network intended for passive or active recreation; or
 - vii. Playground.
- b. The 500-foot distance shall be measured in a straight line from the nearest point of the STRUCTURE within which the FIREARMS BUSINESS would operate (from the nearest point of the exterior of the tenant space if the FIREARMS BUSINESS is located in a STRUCTURE occupied by multiple tenant spaces), to the nearest boundary line of a LOT in residential use, in a residential zoning district, in a mixed-use district within which residential uses are allowed, or the nearest point of any LOT on which a public or private elementary school, middle school, or high school is located, or to the nearest point of any STRUCTURE containing or associated with other uses listed in Section 8.11.4.A above, provided, however, that if no STRUCTURE is on the property the distance shall be measured to the LOT line of such use.
- c. The commencement of one or more of the uses listed in Section 8.11.4.A above within 500 feet of a proposed FIREARMS BUSINESS USE location during the review of a special permit application for a FIREARMS BUSINESS USE (beginning on the date of submittal), following the issuance of a special permit, or following the commencement of the FIREARMS BUSINESS USE shall not invalidate the FIREARMS BUSINESS USE, the special permit issued therefor, or the ability to renew any existing special permit.
- d. No FIREARMS BUSINESS USE shall be located within a BUILDING containing residential DWELLING UNITS, including, but not limited to, transient housing, group housing, HOTEL, INN, MOTEL, TOURIST HOME, LODGING HOUSE, BED AND BREAKFAST ESTABLISHMENT OR HOME, and/or dormitories.
- e. There shall not be more than one FIREARMS BUSINESS USE on a Lot.

8.11.5 Administration, Procedure, Findings and Conditions

The Planning Board acting pursuant to Section 8.11, Section 9.2 and G.L. c. 40, §9 may grant, grant with conditions or deny an application for a FIREARMS BUSINESS USE special permit that complies

with all applicable requirements of this Zoning Bylaw and State and Federal law. Only an applicant holding a valid, current State license issued pursuant to M.G.L. Ch. 140, §122, as applicable, and all required Federal and local licenses is eligible to apply for a special permit pursuant to Section 8.11. The following additional requirements and provisions shall apply to a FIREARMS BUSINESS USE:

- a. Applicants for a special permit pursuant to Section 8.11 are strongly encouraged to meet with the Special Permit Granting Authority (SPGA) at a public meeting to discuss the proposed application for a new FIREARMS BUSINESS and to discuss in general terms the proposed FIREARMS BUSINESS prior to the formal submission of an application.
- b. The application for a special permit shall comply with the rules for such applications adopted by the Planning Board and filed with the Town Clerk. In addition, the application for such special permit for a FIREARMS BUSINESS must include the following information:
 - i. Name, residential address, business address, and telephone numbers of the legal owner or owners of the proposed FIREARMS BUSINESS;
 - ii. Name, residential address, business address, and telephone number of the manager of the proposed FIREARMS BUSINESS;
 - iii. Name, residential address, business address, and telephone numbers of all persons having any equity, including beneficiaries or other interest in such FIREARMS BUSINESS, including but not limited to security interest, liens, mortgages, or other interest. In the event that a corporation, partnership, trust, or other entity is listed, the name, residential address, business address, and telephone number of every person who is an officer, director, shareholder, or trustee of the entity must be listed, in order that the SPGA may know who are the persons who actually own and control that FIREARMS BUSINESS;
 - iv. A letter from the Stow Police Department indicating compliance with state FIREARMS license requirements pursuant to G.L. c. 140;
 - v. The total number of employees;
 - vi. Evidence that the applicant has site control and the right to use the proposed site as a FIREARMS BUSINESS USE. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document. If draft documents are submitted, a letter from the current property owner or lessor shall be included to indicate their intent to provide the applicant with site control;
 - vii. The physical layout of the premises including the interior of the STRUCTURE in which the FIREARMS BUSINESS will be located;
 - viii. A full description of the intended nature of the FIREARMS BUSINESS;
 - ix. An operations and management plan including, but not limited to, a security plan. Documentation shall be included in the application to the Planning Board. Review of the plan may require an on-site inspection of the property. The security plan must include, but is not limited to, the following:

1. Names and phone numbers of all management staff and employees.
 2. FIREARMS BUSINESS USEs shall conduct criminal history background checks in compliance with state and federal law. The FIREARMS BUSINESS USE shall submit written certification that no employees have past criminal history of felony record or are otherwise prohibited from FIREARMS licensure under state and federal law.
 3. A plan showing exterior ground lighting.
 4. Description of security systems and alarms.
 5. 24-hour video surveillance system in parking lots, building entrances and exits and transaction or point-of-sale locations.
 6. The location of dumpsters, which shall be locked with screening.
 7. Floor plan showing interior layout of operation delineating all areas, including but not limited to employee only access areas, storage, administrative, and public access areas.
 8. Evidence of after-hours storage of all FIREARMS in locked containers or by otherwise securing the FIREARMS with tamper-resistant mechanical locks.
- c. The FIREARMS BUSINESS USE shall procure and at all times while in operation maintain insurance issued by an insurance company licensed to do business in the Commonwealth, insuring the FIREARMS BUSINESS against liability for damage to property and for injury to, or death of, any person as a result of the theft, sale, lease or transfer, or offering for sale, lease or transfer of a FIREARM or AMMUNITION, or any other operation of the FIREARMS BUSINESS. The limits of liability shall not be less than \$1,000,000 for each incident of damage to property or incident of injury to death to a person; provided however, that increased limits of liability may be required by the SPGA upon a finding that the size of the operation warrants greater liability. Notice of termination of any applicable insurance must be given to the SPGA at least 30 days prior to the effective date of the cancellation. Proof of compliance with this requirement shall be included in the application.
- d. Applicants must comply with the safety and security requirements set forth in state and federal law, including any dealer security requirements set forth by G.L. c. 140 within the jurisdiction of the Police Department regarding security and conditions of firearms dealer licenses, as well as any federal security requirements mandated by the ATF as currently in effect.
- e. Special Permit Conditions
- i. A FIREARMS BUSINESS use shall be located in, and conduct all operations and transactions within, an enclosed BUILDING; this shall not prohibit operations involving the delivery or receiving of permitted goods and products, which may involve transfer to or from a motor-vehicle outside of an associated BUILDING.
 - ii. All publicly accessible BUILDING entrances shall be visible from a public way, a private way with public right of entry, or an easement with public right of entry. The SPGA may impose conditions requiring that fencing or plantings be installed along rear and side lot lines to screen the premises from adjoining properties.

- iii. Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
 - iv. The days and hours of allowed operation of a FIREARMS BUSINESS shall be approved by the SPGA, but in no event shall a FIREARMS BUSINESS be open to the public, performing deliveries, and/or otherwise operating before 8:00 AM and after 9:00 PM on Mondays through Friday, or before 9:00 AM and after 6:00 PM Saturdays and Sunday. There shall be no exemptions to the prohibited hours of operation for emergencies.
 - v. No person under the age of eighteen (18) shall be permitted on the premises of the FIREARMS BUSINESS unless they are accompanied by a parent or legal guardian.
 - vi. All FIREARMS BUSINESS uses shall conduct criminal background checks for all employees in accordance with state law.
 - vii. There shall only be one FIREARMS BUSINESS USE allowed on a Lot.
 - viii. A Special Permit for a FIREARMS BUSINESS USE shall be valid for one year. The owner of a FIREARMS BUSINESS USE shall annually apply to the SPGA for renewal of the Special Permit, which renewal shall not exceed one (1) year.
 - ix. A Special Permit for FIREARMS BUSINESS USE, if granted, shall at a minimum be issued in the name of a specific individual and is not transferable upon a sale, transfer, or assignment of the FIREARMS BUSINESS USE. A special permit for a FIREARMS BUSINESS USE may be revoked for violation of the Stow Zoning Bylaw or state and federal law, including, but not limited to, G.L. c. 140, ss. 122B, 130, 131N. Upon expiration or cancellation of the policy of insurance as required herein, and if no additional insurance is obtained, the special permit may be revoked. The SPGA may hold a public hearing with notice, posting and publication as required by G.L. c. 40A, §11 to consider revoking a Special Permit under this paragraph. A concurring vote of 4 members of the SPGA shall be necessary to revoke a special permit for a FIREARMS BUSINESS USE.
- f. Mandatory Findings by SPGA- In addition to determining compliance with the requirements and conditions of Section 8.11, 9.2 and all other applicable Sections of the Zoning Bylaw, the SPGA shall not issue a special permit unless without exception it shall find that the proposed use and development:
- i. Meets all other applicable requirements of the Zoning Bylaw and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the Town, and will otherwise comply with all applicable state and local laws and regulations;
 - ii. Provides adequate security measures to ensure that no staff or patrons will pose a threat to the health or safety of other individuals. In making this determination the SPGA shall consider input from the Stow Police Department, if any; and
 - iii. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking, and queuing, especially during peak periods at the FIREARMS BUSINESS.

8.11.6 Signage

- a. All SIGNS associated with FIREARMS BUSINESSES shall comply with Section 6.3 SIGNS of the Zoning Bylaw.
- b. All special permit applications for FIREARMS BUSINESSES shall include a proposed exterior SIGN package, which may be included as a condition of issuance of the special permit.

8.11.7 Security

- a. FIREARMS BUSINESSES shall provide the Stow Police Chief, Building Commissioner, and the SPGA with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment; this information shall be updated when staff of the FIREARMS BUSINESS changes.
- b. All FIREARMS BUSINESSES shall submit a security plan to the Stow Police Department for review and approval prior to submitting an application for a special permit in accordance with 8.11.5.B. The plan must include, but is not limited to, the following:
 - i. Proposed provisions for security;
 - ii. The physical layout of the interior delineating all areas, including but not limited to employee only access areas, storage, administrative, and public access areas;
 - iii. After hours storage of all FIREARMS in locked containers or by otherwise securing the FIREARMS with tamper-resistant mechanical locks; and
 - iv. The number of employees.
- c. No operator and/or employee of a FIREARMS BUSINESS shall have been convicted of any felony under state or federal law.
- d. Trash dumpsters shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
- e. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours; all light fixtures shall comply with Section 3.8.1.5 of the Zoning Bylaw.
- f. The FIREARMS BUSINESS shall be equipped with, and the operators of such FIREARMS BUSINESS shall maintain in working order at all times, burglary/robbery alarms.
- g. A video surveillance system shall be installed and maintained which shall monitor all parking lot areas, main BUILDING entrances and exits, storage areas, and any and all transaction areas for the sale of merchandise. FIREARMS BUSINESSES shall videotape the point-of-sale of all FIREARMS transactions and maintain videos for six months to deter illegal purchases and monitor employees.

8.11.8 Access to Premises and Information

No FIREARMS BUSINESS USE shall operate unless it has all requisite state and federal FIREARMS licenses under state and federal law. A FIREARMS BUSINESS must notify the Police Chief and SPGA in writing within twenty-four (24) hours of any change in its FIREARMS license status.

8.11.9 No accessory use FIREARMS BUSINESSes

Use of property as a FIREARMS BUSINESS shall necessarily be deemed a principal use for purposes of the Zoning Bylaw and shall be permitted exclusively in accordance with this Section 8.11. No FIREARMS BUSINESS may be allowed within the Town on the basis that such use qualifies as a permissible accessory use.

8.11.10 Severability

The provisions of this bylaw are severable. To the extent this Bylaw conflicts with G.L. c. 140 or other State laws or regulations currently in effect, the section shall be interpreted to minimize any conflict with State laws or regulations while maximizing the furtherance of the public safety and other public purposes underlying this Bylaw. The invalidity of any Section or provision of this Zoning Bylaw shall not invalidate any other Section or provision hereof.