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By City Clerk at 8:32 am, May 04, 2021



## Joint Waban and Newtonville Area Councils Special Meeting Thursday, May 6th, 7:00 ZOOM

### AGENDA

- **Gunshops in Newton** - Understanding the issue. Letter from Attorneys (see below) Discussion with experts including Marc Laredo.

#### City Announcement:

On April 26th, the Zoning and Planning Committee held an initial discussion on a zoning ordinance proposed to regulate firearm businesses (firearm sales, firing ranges and gunsmiths) by allowing them only in certain zoning districts, establishing buffer distances from sensitive uses and requiring a Special Permit.

**A public hearing is scheduled for May 10th at 7 p.m.** More information, including the draft ordinance, memos from the Planning and Law Departments, and a regularly updated FAQ can be found [here](#).

Join Zoom Meeting

<https://us02web.zoom.us/j/89850747793?pwd=RWt2bVNtVEdyUElkenZ2OUVGR0pXUT09>

Meeting ID: 898 5074 7793

Passcode: 440232

One tap mobile

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[+13017158592](tel:+13017158592),,89850747793#,,,,\*440232# US (Washington DC)

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Dear Mayor Fuller and Members of the Council:

As long-term Newton residents and lawyers whose backgrounds include constitutional law, litigation, government law at the local, state, and federal levels, and judicial service, we write to express our grave concern about the proposal to site a firearm store, and possibly firing ranges, in Newton, a short distance from our schools, parks,

places of worship, residential homes and small businesses, and to urge you to pass a strict zoning ordinance to protect the safety of our neighborhoods and our residents.

Like so many of our fellow Newton residents, we have chosen to settle and raise families in Newton because of our deep appreciation for Newton's beautiful and safe neighborhoods and villages, high quality schools, and, above all, the wonderfully inclusive sense of community. Our nation's growing epidemic of gun violence, in which more than 40,000 Americans lose their lives every year (<https://www.washingtonpost.com/nation/2021/03/23/2020-shootings/>) and two or more mass shootings happen every day, is a constant and looming threat to our community. It has already forced our school children to grow up with "active shooter" drills and other reminders of this threat. Allowing gun stores or shooting ranges in our villages will amplify the reality and perception of that threat and further erode our sense of community.

We understand that the Council is concerned that a too restrictive ordinance could run afoul of the Second Amendment, but this concern is misplaced. There is no constitutional right to have a gun shop or firing range in every community in the country. To the contrary, the Supreme Court has held only that a city may not ban the possession of all guns by all persons. With two gun stores in Waltham, one in Weston, and more in Boston, there is no risk that Newton residents who wish to obtain and possess firearms and ammunition will face an undue challenge in doing so. The Constitution does not require the City of Newton to invite guns into our neighborhoods.

Nor should the fear of unfounded litigation inhibit the Council from doing all it can to protect the safety of the Newton community and its residents. Unfortunately, almost any policy decision that the Council makes on almost any subject can result in litigation. But the City has a legal staff that is paid to defend it in court, has ample resources to pay for a legal defense, and, in all likelihood, would have many private firms willing to step up to defend on a pro bono basis a public safety ordinance designed to protect the City and its residents from the threat of gun violence. We urge you to take immediate action to pass a strict ordinance to safeguard our community and our people.

Thank you for your consideration and please feel free to email or call with any questions or if any of us can be of assistance on this crucial public safety issue.

Sincerely,

Ben Clements

David Bunis

Dina Conlin

Kevin Conroy

Cindy Cuba Clements

Ron Fein

David Friedman

Hon. Gail Garinger, First Justice, Middlesex County, Juvenile Court Department (Ret.)

Eric Giroux

Joanne Goldstein

Will Havemeyer

Paul Holtzman

Congressman Joe Kennedy III

Josh Levy

Frank Litwin

Mathew N. Kane

Paula Mackin

Lisa Marino

Eileen Morrison

Brien O'Connor

Michael Paris

Zick Rubin

Laurence Schoen

Abby Sosland

Margaret Zaleski, Associate Judge, District Court Department (Ret.)