



**Ruthanne Fuller**  
Mayor

## City of Newton, Massachusetts

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**Barney S. Heath**  
Director

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### MEMORANDUM

**DATE:** May 28, 2021

**TO:** City Council

**FROM:** Barney Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director of Planning and Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** #145-21 Request for Chapter 30 Amendment to establish regulations for gun establishments

HER HONOR THE MAYOR AND COUNCILORS ALBRIGHT, KRINTZMAN, LEARY, OLIVER, GREENBERG, NORTON, LUCAS, KELLEY, WRIGHT, MALAKIE, MARKIEWICZ, GENTILE, DOWNS, CROSSLEY, HUMPHREY, DANBERG, NOEL, BOWMAN, LAREDO, GROSSMAN, BAKER, LIPOF, KALIS AND RYAN requesting amendments to the Newton Zoning Ordinance, Chapter 30, including, but not limited to, the addition of definitions of "Firearm" and "Firearm Businesses", and amendments to Section 4.4.1 Allowed Uses and Section 6.10 Restricted Uses to regulate the use of land, structures and buildings for the siting and operation of gun ranges or the retail or wholesale operation involving gunsmithing, the purchase or sale of firearms, the sale of ammunition, or firearms accessories, and to restrict such uses to the Business 4, Mixed Use 1, Manufacturing, and Light Manufacturing Districts only and only upon the granting of a special permit, and to establish minimum standards and criteria for the granting of such special permits.

**MEETING DATE:** June 2, 2021

**CC:** City Council  
Planning and Development Board  
Jonathan Yeo, Chief Operating Officer  
Alissa O. Giuliani, City Solicitor  
John Lojek, Commissioner of ISD

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On May 10<sup>th</sup> the Zoning and Planning Committee (ZAP) held a public hearing on the above docket item to consider a zoning amendment that would regulate the location and operation of firearm businesses as well as provide the City Council with discretion to review and approve proposed businesses through a Special Permit. On May 13<sup>th</sup> the ZAP Committee voted 8-0 to recommend approval of the Planning Department's recommended ordinance text, with amendments to the Special Permit criteria and several of the operational standards. You can find the proposed ordinance, Planning department memos, maps displaying various buffer alternatives considered, and FAQs from the Law Department here:

<https://www.newtonma.gov/government/planning/plans-policies-strategies/firearms-zoning-amendment>. The map demonstrating the buffers associated with the recommended proposal (Alternative 5) can also be found [here](#).

The proposed ordinance that was recommended for approval by ZAP includes a 150-foot buffer from all properties containing a residential use and a 1,000-foot buffer from any public and private k-12 school, daycare center, preschool, childcare facility, college or university, public park intended for passive or active recreation, playground, land or structures used for religious purposes, library, nursing home, hospital or existing firearm dealer or firing range. The proposal provides the greatest buffers possible while still allowing for opportunity areas to be consistent with Constitutional protections.

As requested, the Planning Department has analyzed adding conservation areas to the list of sensitive uses as well as extending the buffers to include those sensitive uses found in adjacent communities. When applying the 1,000-foot buffer to conservation areas as well as sensitive uses outside of Newton, there is no land remaining outside of the buffers. This can be seen in the map (Alternative 6) found [here](#).

As this scenario results in a total ban, which is not consistent with the docket item nor the Law Department's advice, the Planning Department recommends the City Council adopt the proposed amendment approved by ZAP. It is more restrictive than any of the other municipal firearm ordinances staff reviewed and continues to give the Council broad discretion through the Special Permit criteria to determine whether any future proposal for a firearm business is appropriate given the location.