Article 15 Amend Zoning Bylaw – Firearm Business
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as follows and to renumber or alphabetize as necessary:

A. Insert under Section 3.5, Business Uses, the following new subsection 3.5.26 as follows:

3.5.26 Firearm Business – An indoor retail or wholesale operation involving the purchase or sale of Firearms and Ammunition. Accessory sale of Firearm Accessories including but not limited to bags, siting systems, slings and scabbards, or maintenance kits; any retail or manufacturing operation involving the repairing, altering, cleaning, polishing, engraving, bluing or performing of any mechanical operation on any Firearm. Sale of conversion devices such as an auto sear, fuel filters or solvent filters, trigger switches or similar products that when combined create an illegal weapon are not allowed.

B. In Section 3, Table of Principal Uses, insert the following new lines and footnote:

<table>
<thead>
<tr>
<th>PRINCIPAL USES</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>VILLAGE DISTRICTS</th>
<th>OFFICE DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5 BUSINESS USES</td>
<td>R-2 R-4 R-8 R-8/4 R-10 R-10/8</td>
<td>R-A R-AA VR EAV EAV-2 NAV SAV WAV OP-1 OP-2</td>
<td></td>
</tr>
</tbody>
</table>

(12) Refer to Section 3.13 for specific standards, requirements, exemptions and special permit criteria for Firearm Businesses.

C. Insert under Section 3, Principal Use Table, Principal Use Definitions and Accessory Use Regulations, a new subsection 3.13 as follows:

3.13 Special Provisions for Firearm Businesses –

3.13.1 Purpose – To provide reasonable regulations pertaining to the location, siting, design, placement, security, safety, monitoring, and modifications of Firearm Businesses within the Town of Acton to minimize the adverse impacts of Firearm Businesses on adjacent properties, residential neighborhoods, schools and other places where children congregate, and to protect and promote the quality of the Town of Acton’s neighborhoods, commercial and business districts, and the general welfare, health and safety of the citizens of Acton.
3.13.2 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.

3.13.3 Applicability – This Section 3.13 shall apply to all Firearm Businesses including related BUILDINGS.

3.13.3.1 No Firearms Business use shall commence until the operator of such Firearm Business has obtained all necessary Federal, State and other required local approvals and licenses.

3.13.3.2 The establishment and continued operation of Firearms Businesses shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Bylaw, any other applicable requirements of the Zoning Bylaw, and all applicable Federal, State, and local laws and regulations.

3.13.4 Special Permit for Firearm Businesses – The Select Board may grant a Special Permit for a Firearm Business in the Technology District or Small Manufacturing District. When granting such special permit, the Select Board shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and in addition, find that the following standards and requirements are met:

3.13.4.1 Setbacks – No Firearm Business shall be located within 500 feet of a LOT which contains the following uses: Educational, Religious, Child Care Facility, Municipal buildings open to the public, and public parks and playgrounds; no Firearm Business shall be located within 125 feet of a LOT which contains a Residential Use.

3.13.4.2 Configuration and Operations – Firearm Businesses shall be conducted entirely within a BUILDING and comply with the following standards:
   a. Hours of operation shall be limited to 8AM to 8PM. The Special Permit Granting Authority may allow extended hours for non-retail operations, such as manufacturing, administration, and/or deliveries.
   b. Firearm Businesses shall not sub-lease space from a tenant of any BUILDING or STRUCTURE and is prohibited from sub-leasing the Firearms Business use space to another Firearm Business.
   c. The Firearm Business 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 Firearm 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 Firearm 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 Special Permit Granting Authority upon a finding that the size of the operation warrants greater liability. Notice of termination of any applicable insurance must be given to the Special Permit Granting Authority at least 30 days prior to the effective date of the cancellation.
   d. Firearm Businesses shall submit a security plan to the Acton Police Department for review and approval prior to applying for special permit. The plan must include, but is not limited to, the following:
      1. Names and phone number of all management staff and keyholders,
      2. Certification that no employees have past history of felony record,
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. Location of dumpsters shall be locked with screening,
7. Floor plan showing layout of operation,
8. Evidence of after-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.

e. The Special Permit Granting Authority shall require that Firearm Business notify the Police Department of any changes to the name or phone numbers of all management staff and keyholders.
f. The Firearms Business shall be equipped with, and the operation of such Firearm Business shall maintain in working order at all times, security system to the satisfaction of the Town.
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 transition areas for sale of merchandise. Recordings shall be maintained for a minimum of six months. A sign no larger than 2 square feet shall be placed in a visible location on the building which notes that video surveillance is in use on the property.
h. The exterior grounds, including the parking lot and landscape areas, shall be lit in such a manner that all areas are clearly visible at all times during business hours; all lighting shall be full cut off with a temperature of no more than 3,000K.
i. 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 and notice of such limitation shall be posted outside the Business.

3.13.4.3 Signage – All signs associated with Firearm Businesses shall comply with Section 7 of the Zoning Bylaw unless further regulated herein.
   a. Temporary Signs as defined in Section 7.2.19 are prohibited.
   b. Window Signs as defined in Section 7.5.16 are prohibited.

3.13.4.4 Limitation and Termination of Special Permit— No more than two Firearm Businesses are allowed within the Town of Acton at any given time. A Special Permit for Firearm Business is not transferable upon a sale, transfer, or assignment of the Firearms Business. A special permit for a Firearm Business shall be terminated for violation M.G.L. c. 140 SS 122B, 130, 131N, or similar laws in other states. Upon expiration or cancellation of the policy of insurance as required by Section 3.13.4.3. C, and if no additional insurance is obtained, the special permit shall be terminated.

, or take any other action relative thereto.

Summary

Acton’s Zoning Bylaw does not currently have a separate use for Firearms Businesses. Under today’s zoning, firearms businesses would either be classified as a retail store, manufacturing, or both depending on how the business operates. Retail Store uses are allowed by-right in the following Village Districts: Village Residential (VR), East Acton Village-2 (EAV-2), North Acton Village (NAV), South Acton Village (SAV), West Acton Village (WAV), as well as the Kelley’s Corner (KC), Limited Business District (LB), and Powder Mill (PM) zoning districts, and by special permit in the East Acton Village (EAV) zoning district. Manufacturing uses are allowed by-right in Office Park-1 (OP-1), Office Park-2 (OP-2), Power Mill (PM), General Industrial (GI), Light Industrial (LI), Light Industrial-1 (LI-1), Small Manufacturing (SM), and Technology District (TD) zoning districts, and by special permit in the South Acton Village, West Acton Village, and Kelley’s Corner zoning districts. The Powder Mill zoning district is the only Acton zoning district that allows both Retail Store and
Manufacturing as a use. Depending on the business operation, a firearms business would be allowed in one or more of the above zoning districts.

Adoption of this Bylaw would create a new use, Firearm Business, and allow the use by special permit. The bylaw would limit two Firearm Businesses to locate in Acton at any given time. Over the last year the Town has received inquiries from firearms businesses looking to relocated from the Town of Littleton to Acton primarily along Great Road and Main Street. This Bylaw would allow for a Firearm Business to located in the Technology District off Knox Trail and Small Manufacturing District in north Acton, but prohibit the use elsewhere in Town. The Bylaw includes regulations on best business practices and security to maintain safety for the general public.

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Select Board Member: David D. Martin: sb@actonma.gov / (978) 929-6611

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<th>Recommendations:</th>
<th>Select Board</th>
<th>Finance Committee</th>
<th>Planning Board</th>
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<tr>
<td></td>
<td>Deferred</td>
<td>Recommended</td>
<td>No Recommendation</td>
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