



Town of Westford
Director of Land Use Management
Town Hall, 55 Main Street
Westford, Massachusetts 01886
TEL (978) 692-5524 FAX (978) 399-2732

To: **Westford Select Board & Planning Board**
From: Jeffrey Morrisette, Director of Land Use Management
Re: Potential Zoning Bylaw Amendment for Firearm Businesses
Cc: Kristen Las, Town Manager
Mark Chambers, Chief of Police, Westford Police Department
Date: April 7, 2023

The Land Use Management Department (LUMD) was tasked by both the former and current Town Managers to work with the Westford Police Department to explore options for exercising greater future control for the siting and review of Firearm Businesses within the Town of Westford. Currently, our Zoning Bylaw does not distinguish between Firearm Businesses (depending on the specific services provided) and Retail Sales to the General Public and/or Light Manufacturing. To facilitate discussion, draft language ("Version 1") for a potential zoning bylaw amendment was provided to the Select Board at their meeting of February 28, 2023.

At the end of the discussion, the Select Board requested that the Planning Board provide input based on their experience working with zoning bylaw amendments. They also requested to be able to graphically view the suggested buffers to gain a better sense of where Firearm Businesses could potentially be sited under such a bylaw. The planning staff prepared a "Takeaways" document summarizing the level of agreement amongst Select Board members for the various points of the February 28, 2023 discussion.

As requested by the Select Board, the Planning Board discussed a potential zoning bylaw amendment for Firearm Businesses at their meeting of March 20, 2023. In addition to the initial version, the Board reviewed a revised version ("Version 2") intended to provide additional options for consideration. In the end, the Planning Board provided input and expressed a willingness to either sponsor, or jointly sponsor with the Select Board, a zoning bylaw amendment, and to meet with the Select Board to discuss the next steps. Again, the planning staff prepared a "Takeaways" document summarizing the Planning Board's discussion of March 20, 2023.

A third version of a potential zoning bylaw amendment ("Version 3") is included in the April 11, 2023 joint meeting packet to advance the conversation between the two boards. This latest version is largely based on the Version 2 document with some adjustments to account for Planning Board input from the March 20, 2023 meeting. However, Section 6.6.5.1(c) "*Any facility where...the primary purpose is to serve persons under age 18 who commonly congregate to participate in scheduled and structured activities*", which was recommended by the Planning Board to be removed, was retained for discussion purposes at the request of the Select Board Chair. Furthermore, at the advice of Town Counsel, the requirement for a special permit for Firearm Businesses was restored in the draft language. Without the special permit, Town Counsel did not believe that the separation distance between Firearm Businesses (as requested by the Police Department) or the Operational Requirements (Section 6.6.8) could be achieved through site plan review.

The following materials are attached to this memorandum to support a meaningful dialogue between the two boards:

2023-04-07	Comparison of Select Board and Planning Board "Takeaways" document
2023-04-07	Draft Amendment Language (Version 3, "clean" and redlined versions)
2023-04-07	Simplified Buffer Considerations – Parcels with Child Activities Labeled (Includes Schools, Religious Uses, Child Care)
2023-04-07	Simplified Buffer Considerations – Schools, Religious Uses, Child Care (Child Activities Excluded)
2023-04-05	Firearm Business Buffer Considerations – Child Activities Labeled (Includes Schools, Religious Uses, Child Care)
2023-04-04	Firearm Business Buffer Considerations – Schools, Religious Uses, Child Care (Child Activities Excluded)
2023-03-20	Planning Board "Takeaways" document
2023-03-17	Draft Amendment Language (Version 2)
2023-02-28	Select Board "Takeaways" document
2023-02-24	Draft Amendment Language (Version 1)

Currently, we seek direction from the Select Board and Planning Board. Specifically, if there is to be a zoning bylaw amendment, which board (or boards) will sponsor the amendment? The single largest barrier for the two boards to jointly sponsor an amendment appears to be a difference of opinion relative to requiring a special permit for Firearm Businesses. Given the recent advice from Town Counsel, it is possible the boards may be more in harmony with each other than previously anticipated. Here are some of the outstanding questions that remain:

1. Assuming a special permit requirement, which board should be the Special Permit Granting Authority?
2. In addition to separation distances between Firearm Businesses as requested by the Police Department, which additional buffers, if any, should be imposed for Firearm Businesses?
3. Should there be a limit on the maximum number of special permits issued for Firearm Businesses in town?
 - a. If all of the listed buffers were to be included, is there a need to limit the total number of Firearm Businesses?

Furthermore, Town Counsel has provided insight about the following questions:

Q1. Can the town impose a moratorium on new Firearm Businesses until such time as the issue is studied and a bylaw amendment is considered by Town Meeting?

A1. *It is unlikely that efforts to impose a moratorium would be successful. First, it would be extremely difficult to justify. Second, one generally cannot impose a moratorium on a use that is currently permitted as-of-right and has been for many years.*

Q2. What happens if Firearm Businesses come into town before Town Meeting can vote to amend the zoning bylaw to regulate Firearm Businesses?

A2. *Assuming that Town Meeting successfully passes a zoning bylaw amendment, Firearm Businesses that come in after the Town Meeting vote would be subject to the new bylaw. Firearm Businesses lawfully in existence in before the Planning Board public hearing notice for the zoning bylaw amendment is published in the newspaper could continue to exist. However, Firearm Businesses coming into town after the first public hearing notice is published in the newspaper but before a Town Meeting vote (again, assuming favorable action by Town*

Meeting) would be subject to the new zoning bylaw (once in effect) and zoning enforcement action as applicable.

Q3. Assuming that either the Select Board or Planning Board (or both) decides to sponsor a zoning bylaw amendment, what is the soonest the first public hearing notice could be published in the newspaper?

A3. According to the Planning Board's 2023 Meeting Calendar, the very soonest a public hearing notice could practically be published is April 14, 2023 for a May 1, 2023 public hearing. However, a publication date of April 28, 2023 for a May 15, 2023 public hearing would allow reasonable time for staff to work with Town Counsel on the drafting of the notice.

Q4. With a first public hearing notice published in April 2023 and a public hearing opened in May 2023, could such a zoning bylaw amendment be considered at the "regular" Special Town Meeting in October 2023?

A4. Yes.

Please do not hesitate to contact me with any questions.