



**NOTICE OF PUBLICATION OF 2022 ANNUAL TOWN MEETING AMENDMENTS
to the ZONING BYLAW**

Office of the Attorney General – Third Decision

Posted October 27, 2022

The Town of Wellesley shall henceforth publish amendments to the Town Bylaw and Zoning bylaw by way of a pamphlet and post said pamphlet in each precinct and on the bulletin board of the Town Hall and on the website for the Town of Wellesley (www.wellesleyma.gov) (MGL Chapter 40 Section 32).

Zoning Bylaw Amendments (ATM 2022)

- **Article 40, ZBL Amendment** – Amend Zoning Bylaw to establish regulations for Commercial Gun Shops

ARTICLE 40: Zoning Bylaw

**ESTABLISHMENT OF REGULATIONS
Commercial Gun Shops
Voted April 11, 2022**

That the Town amend the Zoning Bylaw to establish regulations for Commercial Gun Shops as follows:

1. Amend Section 1 B DEFINITIONS by inserting the following definition:

Commercial Gun Shop – Any commercial establishment engaging in whole or in part in the business of a Gunsmith, or the manufacture, sale, or lease to the public of any Weapon, Machine Gun, Ammunition, Bump Stock, Large Capacity Feeding Device, Stun Gun, or Trigger Crank, as such terms are defined in G.L.c.140, § 121.

2. Amend Section 11. BUSINESS DISTRICTS by adding a new Section 11.A.13.l as follows:

l. Commercial Gun Shop

3. Amend Section 13. INDUSTRIAL DISTRICTS by adding a new Section 13.A.11.d as follows:

d. Commercial Gun Shop

4. Amend Section 25. SPECIAL PERMIT GRANTING AUTHORITY by inserting a new Section 25.B.7 as follows:

7. Commercial Gun Shops

- a. Purpose - The purpose of this subsection is to regulate the siting, design, placement, security, safety, monitoring, and modifications of Commercial

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Gun Shops within the Town to ensure that such uses are operated in a manner consistent with the overall health, welfare and safety of the Town and to minimize the adverse impacts of Commercial Gun Shops on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Commercial Gun Shops.

b. Compatibility with State and Federal Laws and Regulations – The Zoning Bylaw provisions pertaining to Commercial Gun Shops 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.

c. Applicability and Authority

i. Applicability:

(1) No Commercial Gun Shop use shall commence unless permitted by the issuance of a special permit as authorized by this Section and subsection.

(2) No special permit for a Commercial Gun Shop use shall be issued unless the use is located in one of the zoning districts established within the Zoning Bylaw specifically authorizing such use.

(3) The establishment and operation of Commercial Gun Shops shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Section and subsection, any other applicable requirements of the Zoning Bylaw, and local and state laws and regulations.

ii. Authority: The Special Permit Granting Authority is empowered to review and take action on special permit applications for Commercial Gun Shops consistent with the procedures established in Section 25.C.; the Special Permit Granting Authority may deny, grant, or grant with conditions all such applications.

d. General Regulations - All Commercial Gun Shops shall be subject to the following conditions and limitations:

i. Location:

(1) No special permit for a Commercial Gun Shop shall be granted where such use would be located within 500 feet of a:

a. Public or private elementary school, middle school, or high school;

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- b. Child Care Facility, including family daycare homes, daycare centers, and/or nursery schools; or
 - c. Any establishment catering to or providing services primarily intended for minors, as determined by the Special Permit Granting Authority.
- (2) The 500 foot distance shall be measured in a straight line from the nearest point of the structure within which the Commercial Gun Shop would operate (from the nearest point of the exterior of the tenant space if the Commercial Gun Shop is located in a structure occupied by multiple tenant spaces), to the nearest point of any property 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 noted above.
- (3) The commencement of one or more of the above uses within 500 feet of a proposed Commercial Gun Shop location during the review of a special permit application for a Commercial Gun Shop (beginning on the date of submittal), following the issuance of a special permit, or following the commencement of the Commercial Gun Shop use shall not invalidate the Commercial Gun Shop use, the special permit issued therefor, or the ability to renew any unexpired or unrevoked special permit.

ii. Configuration and Operation:

- (1) A Commercial Gun Shop shall be located in, and conduct all operations 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.
- (2) All publicly accessible entrances shall be visible from a public way.
- (3) Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
- (4) No Commercial Gun Shop shall be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.
- (5) The hours of operation of Commercial Gun Shops shall be set by the Special Permit Granting Authority, but in no event shall a Commercial Gun Shop be open to the public, performing deliveries, and/or otherwise operating between the hours of 8:00 PM and 8:00 AM; there shall be no exemptions to the prohibited hours of operation for emergencies.

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- (6) No person under the age of eighteen (18) shall be permitted on the premises of the Commercial Gun Shop unless he or she is accompanied by a parent or legal guardian.

iii. Signage:

- (1) All signs associated with Commercial Gun Shops shall comply with Section 22A.
- (2) All special permit applications for Commercial Gun Shops shall include a proposed exterior sign package, which may be included as a condition of issuance of the special permit.
- (3) Temporary Signs and Standard Informational Signs, as defined in Section 22A shall be prohibited.

iv. Security:

- (1) Commercial Gun Shops shall provide the Wellesley Police Department, Inspector of Buildings and the Special Permit Granting Authority 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 Commercial Gun Shop changes.
- (2) No operator and/or employee of a Commercial Gun Shop shall have been convicted of any felony under state or federal law.
- (3) Trash dumpsters shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
- (4) 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 have full cut off shields.
- (5) The Commercial Gun Shop shall be equipped with, and the operators of such Commercial Gun Shop shall maintain in working order at all times, burglary/robbery alarms.
- (6) A video surveillance system shall be installed and maintained which shall monitor all parking lot areas, main building entrances and exits, and any and all transaction areas for the sale of merchandise.

e. Procedures and Findings

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i. Procedures: In addition to the procedures established in Section 25.C., special permits issued for Commercial Gun Shops shall be:

- (1) Limited to the current applicant and shall lapse if the permit holder ceases operation of the Commercial Gun Shop; and
- (2) Renewed annually.

ii. Findings: In addition to determining compliance with the above General Regulations, all other applicable Sections of the Zoning Bylaw, and the applicable Special Use Permit Standards contained in Section 25.D., the Special Permit Granting Authority in their review of any special permit application for a Commercial Gun Shop shall find that the proposed Commercial Gun Shop:

- (1) 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;
- (2) Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- (3) Provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals; and
- (4) Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the Commercial Gun Shop.

f. Severability - The provisions of this subsection (Section 25.B.7.) are severable. If any provision, paragraph, sentence, or clause of this Section, or the application thereof to any person, establishment, or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of this Section or the Zoning Bylaw.

Zoning Bylaws so amended shall become effective as of the date of the town meeting votes unless otherwise specified in the article.

Claims of invalidity of the amendments to the Town Bylaws or Zoning Bylaw by reason of any defect in the procedure of adoption or amendment may only be made within ninety (90) days of the date of posting, said posting date being October 27, 2022 and said deadline January 25, 2023. Copies of the Zoning Bylaws and Map may be obtained at the Town Clerk's Office, Town Hall, 525 Washington Street, Wellesley, MA 02482, or reviewed on-line at www.wellesleyma.gov.

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