

Article xx Firearms Retail Sales Establishments

To see if the Town will vote to amend the Zoning Bylaws of the Town of Groton as follows:

1. Amend **Section 218-3 Definitions** by inserting the following in alphabetical order:

“FIREARMS RETAIL SALES ESTABLISHMENT

A commercial business, possessing a Federal Firearms License (FFL), with established business hours, which derives its principal income from the sale and service of firearms, such as handguns and long guns, to individuals in an open shopping format. It may also provide repairs for firearms and their parts. Other firearms related or sporting equipment, such as accessories, ammunition, hunting and fishing products, food, or clothing, may be sold in the store as well. This definition shall not apply to small ‘by appointment only’ FFL licensed holders/collectors consistent with the provisions of Section 218-5.3.B Home Occupations, as permitted by Massachusetts General Laws and Bureau of Alcohol, Tobacco, Firearms, and Explosives Regulations (BATFE)

2. Amend **Section 218—5.2 Schedule of Use Regulations** by inserting the following entry in the Section titled “Business” after the entry numbered 80 and renumbering subsequent entries accordingly:

	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
“81	Firearms Retail Sales Establishment	N	N	N	N	PB	PB	N	N”

3. Amend **Section 218-10 Special Regulations** by inserting a new **Section 218-10.5 Firearms Retail Sales Establishments** to read as follows:

“218-10.5 Firearms Retail Sales Establishments

A. Purpose.

- (1) To provide reasonable regulations and standards for the placement and operation of Firearms Retail Sales Establishments in appropriate places in the Town of Groton.
- (2) To minimize the adverse impacts of Firearms Retail Sales establishments on adjacent properties, residential neighborhoods, schools, and other places where children congregate, local historic districts, and other sensitive land uses.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of Firearms Retail Sales establishments.

B. Applicability.

No Firearms Retail Sales Establishment shall be operated in the Town of Groton except in compliance with the provisions of § 218-5.2 (Schedule of Use Regulations) and this § 218-10.5 (Firearms Retail Sales Establishments).

C. General requirements and conditions for all Firearms Retail Sales Establishments.

- (1) All Firearms Retail Sales Establishments shall be located within a building or structure.
- (2) The hours of operation of Firearms Retail Sales establishments shall be set by the special permit granting authority.
- (3) No Firearms Retail Sales Establishment entrance shall be located closer than 500 feet from the entrance of a preexisting public or private preschool, school providing education in kindergarten or any grades 1 through 12, junior college, college, licensed day-care center, church, library, park, playground, or other firearms retail sales establishment. Distance shall be measured in a straight line from the geometric center of the Firearms Retail Sales Establishment's entrance door to the geometric center of the entrance door or primary public entrance location of the nearest facility listed in the previous sentence, unless there is an impassable barrier within those 500 feet that renders any part of the 500-foot straight-line distance inaccessible by a pedestrian or automobile, in which case the 500-foot distance shall be measured along the center of the shortest publicly accessible pedestrian travel path from the geometric center of the Firearms Retail Sales Establishment's entrance door to the geometric center of the entrance door or primary public entrance location of the nearest facility listed in the previous sentence.
- (4) The on-site discharge of firearms at all licensed Firearms Retail Sales Establishments is prohibited in the Town of Groton.
- (5) The maximum number of licensed Firearms Retail Sales Establishments in the Town of Groton shall not exceed two (2) or three (3)?? such establishments.
- (6) No person under the age of 18 shall be allowed on the premises unless accompanied by a parent or legal guardian and notice of such limitation shall be posted outside the establishment.
- (7) No Firearms Retail Sales Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
- (8) Firearms Retail Sales Establishments shall be located within a permanent building and may not be in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure. Firearms Retail Sales Establishments shall not have drive-through service.

- (9) No outside storage of Firearms Retail Sales, related supplies or promotional materials is permitted.
- (10) No more than one Firearms Retail Sales Establishment shall be operated from the same location.
- (11) The special permit for a Firearms Retail Sales Establishment shall be granted to the ~~federal firearms licensee~~ FFL license holder rather than the owner of the property.
- (12) No visible display of firearms shall be visible from the building exterior

D. Special permit requirements.

- (1) A Firearms Retail Sales Establishment shall only be allowed by special permit from the Planning Board in accordance with MGL c. 40A, § 9 and **§ 218 2.3** (Special permits) and **§ 218 5.5** (Performance standards for business and industrial special permits uses in R-B, VCB, NB, GB, and I Districts) of this chapter subject to the following statements, regulations, requirements, conditions, and limitations.
- (2) No special permit for any Firearms Retail Sales Establishment shall be issued without major site plan approval having been issued by the Planning Board, **§ 218-2.5**, Site Plan Review, of this chapter. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (3) A Firearms Retail Sales Establishment shall not sub-lease space from another Firearms Retail Sales Establishment in any building or establishment and is prohibited from sub-leasing space to another Firearms Retail Sales Establishment.
- (4) In addition to the application requirements set forth above, a special permit application for a Firearms Retail Sales Establishment shall include the following:
 - (a) The name and address of owner(s) of the Firearms Retail Sales Establishment licensee/applicant.
 - (b) Copies of all FFL licenses and permits issued to the applicant by the BATFE and any other agencies for the establishment.
 - (c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease agreement.
 - (d) Proposed security plan with measures for the Firearms Retail Sales Establishment, including lighting, fencing, after-hours storage, security surveillance, alarms, and systems, etc., to ensure the safety of persons and to protect the premises from theft. A letter from the Town of Groton Police Chief, or designee, acknowledging review and approval of the

Firearms Retail Sales Establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.

- (e) All application requirements for major site plan review as specified in § 218-2.5.D.(2) of this chapter unless certain nonapplicable requirements are waived by the Planning Board.
- (5) Mandatory findings. The special permit authority shall not issue a special permit for a Firearms Retail Sales Establishment unless it finds that:
 - (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
 - (b) The establishment demonstrates to the satisfaction of the Planning Board that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and federal laws and regulations; and
 - (c) The applicant has satisfied all the conditions and requirements set forth herein.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership and licensure of the Firearms Retail Sales Establishment. Transfer of the establishment to another licensed proprietor or termination/expiration of applicant's license shall render the special permit invalid. Transfer of the establishment or the reissuance of an expired license shall require the approval of the special permit granting authority in the form of an amendment to the special permit with all information required.
- (7) The special permit granting authority may waive the setback requirement by a supermajority (2/3) vote as part of the issuance of a special permit provided that:
 - (a) The application is for a new Applicant (change of Applicant) for an existing Firearms Retail Sales Establishment; or
 - (b) The Applicant demonstrates that the Firearms Retail Sales Establishment would otherwise effectively be prohibited within the Town; or
 - (c) That the project can be conditioned to reasonably satisfy the purpose and intent of the setback requirements.
- E. Abandonment or discontinuance of use.
 - (1) A special permit shall lapse if a Federal Firearms License (FFL) has not been issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) within one year of issuance of the special permit. The special permit granting authority may grant an extension if the applicant can demonstrate that despite diligent effort circumstances beyond their control have prevented the issuance of a final license and demonstrates to the satisfaction of the

Planning Board that issuance/reissuance of an FFL is highly probable.

- (2) A Firearms Retail Sales Establishment shall be required to remove all material, equipment, and other items subject to federal and state licensing within six months of ceasing operations.

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