



# Zoning & Planning Committee Report

## Part 1

### City of Newton In City Council

**Monday, May 10, 2021**

Present: Councilors Crossley (Chair), Leary, Wright, Krintzman, Danberg, Baker, Albright and Ryan

Also Present: Councilors Bowman, Downs, Kelley, Laredo, Lipof, Markiewicz, Lucas and Greenberg

City Staff: Jonathan Yeo, Chief Operating Officer; Andrew Lee, Assistant City Solicitor; Jen Caira, Deputy Planning Director, Barney Heath, Director; Cat Kemmett, Planning Associate, Heather Zaring, Development Services Assistant, Planning & Development Department; Jonah Temple, Assistant City Solicitor; Joe Mulvey, IT Director and Nadia Khan, Acting City Clerk

Planning Board: Peter Doeringer (Chair), Chris Steele, Jennifer Molinsky, Kevin McCormick, Sonia Parisca, Kelley Brown, Sudha Maheshwari, James Robertson and Barney Heath

Economic Development Commission: Phil Plottel

Others Present: NewTV

**#150-21      Requesting an amendment to Chapter 30**

DIRECTOR OF PLANNING & DEVELOPMENT requesting an amendment to Chapter 30 to allow for flexibility in building story heights without exceeding maximum building heights in business, mixed use and manufacturing districts and to clarify the maximum FAR in business and manufacturing districts where none is currently specified.

**Action:      Zoning & Planning Committee Held 8-0, Public Hearing to be assigned June 14 or later.**

**Note:**      Jen Caira, Deputy Planning Director, Barney Heath, Director and Cat Kemmett, Planning Associate, Planning & Development Department joined the Committee for discussion on this item.

Ms. Kemmett presented a PowerPoint (attached), providing background, current zoning, proposed amendments, proposed table format, proposed updates (clean-up items) and a summary of the item.

Ms. Kemmett stated that in the Zoning Ordinance, much of the Business Use, Mixed Use and Manufacturing districts directly tie maximum building heights to the number of stories in the building. The pairing of the two methods of measurement effectively prohibits uses that are allowed in business, mixed use and manufacturing districts, because the pairing limits story height as well as building height. For example, R & D labs and some ground floor commercial spaces need higher than 12 feet floor to floor heights. The proposed amendment would create flexibility in building story heights, but not change the maximum overall building height allowed either by right or by special permit in any of these three districts. The amendment also includes a few proposed 'clean-up' items to add back information that was lost in the transition to the new ordinance format in 2015, and to clarify a few elements of the dimensional tables.

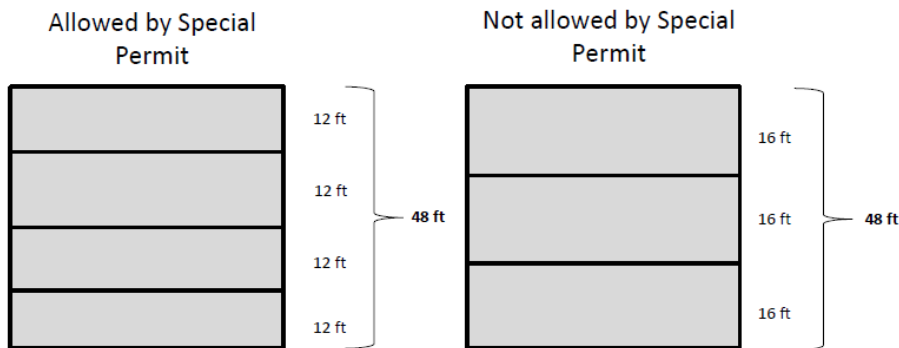
The Planning Department has been working closely with the Economic Development Commission (EDC) who has assisted in how the City can make the zoning ordinances more workable for R & D and other uses in the City, with the goal to diversify Newton's economic base and maintain commercial tax revenue. The EDC helped the Planning Department pinpoint a problem on the organization of dimensional standards tables in these districts. Developers seeking to build R&D lab and ground floor commercial space have recently commented on how the limit of 12 feet per floor in these districts is a barrier to R&D uses as well as some ground floor retail businesses that require more height. As a general marker, R&D uses typically require 14 feet in floor to floor height for airflow and HVAC equipment.

Ms. Kemmett then gave an example: in section 4.1.3 business district dimensional table. BU4, a three story building may be up to 36 feet tall by right. A special permit would allow a four story building to be up to 48 feet. However, the table does not appear to allow a three story in a building 48 feet tall, even by special permit. The interpretation from ISD and the Planning Department is that a building would need to be four stories, to reach the maximum allowed height of 48 feet.

## Current Zoning

#150-21

Sec. 4.1.3, BU4



In the PowerPoint graph (above), the building on the left would be allowed explicitly in the tables that we have now, it is in the BU4 district, it is 48 feet tall and four stories by special permit would be allowed. However, the building on the right would not be allowed under current rules, even though it is also in BU4 and is also 48 feet tall, that height is only spread over three stories, not four which would be limited to 36 feet tall. It is important to note both buildings are the exact same height. The difference relates to the building on the right, the stories are taller and there are fewer of them.

### City's Proposal

The City is proposing that we decouple the maximum height from the number of stories by reformatting the dimensional standards tables in sections 4.1, 4.2 and 4.3. New tables depict the maximum allowed stories and maximum allowed height both by right and by special permit. The maximum building height allowed in any district remains the same as the existing ordinance.

While making updates to the section of the ordinance, the Planning Department also identified a few areas that lacked clarity and ways to make the ordinance user friendly, this includes replacing information that was omitted after the 2015 recodification process including floor area ratios.

In summary, the Planning Department is proposing amendments that will not change the maximum allowed height in any of these districts either by right or special permit but would allow for greater flexibility in floor to floor height. New buildings would be able to build at the same height, but with fewer stories. The City believes this will be helpful in opening the doors for R & D companies and other commercial or retail spaces that may benefit from the additional ceiling height.

Committee members comments, questions and answers:

Comments:

Please ask the EDC to provide a memo explaining whether limiting to three stories in some districts that seek to allow these uses is a defect in our code.

Questions and Answers:

**It appears residential districts do not have the same rigidity in maximum height, and do not tie height to the number of stories.** Ms. Kemmett answered that the residential districts do not have the same pairing of the two, it works a little bit differently in residential districts. MU3 districts have separate rules.

**Are we spot zoning in village centers by changing zoning on the Newton Highlands project?**

Ms. Caira answered that a more comprehensive look is necessary in village centers which is underway with zoning redesign. This allows flexibility for commercial uses, which have a taller floor to floor height.

**Why doesn't the City allow eight story buildings in the Wells Avenue area?** Ms. Caira answered that this proposed amendment is not about changing any of the current allowed heights, it is only to allow flexibility in number of stories allowed within those heights in certain districts.

**Can the Committee hear from the EDC, to determine if the City has done a disservice to these kinds of buildings limiting commercial developments by not allowing four stories?** Ms. Caira answered that she will coordinate with the EDC. She then said that the presentation did not show the full chart for all the districts, just an example. Several districts do allow taller than four stories.

**What is the reason behind the current rule and is there any downside that needs consideration when the drafting is decided?** Ms. Caira answered that the old ordinance was reviewed to determine if this was one of those areas when things got converted or inadvertently led to slightly different meanings. We are not sure why we have the 12 foot floor to floor limiting story heights in commercial districts. The Planning Department will do more research before the next meeting.

Ms. Parisca stated that she feels the amendment will be an improvement to untie the building heights from the stories. Architects will be happy because this will allow them freedom to create higher spaces for uses that require them.

Without further discussion, Councilor Leary made a motion to hold this item. A public hearing will be held on June 14, 2021, or later. Committee members agreed 8-0.

**#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.

**Zoning & Planning Held 8-0 on 04/26/21**

**Action: Zoning & Planning Committee Held 8-0, Public Hearing Closed**

**Note:** Jen Caira Deputy Planning Director joined the Committee presented (PowerPoint attached) a detailed summary of the zoning ordinance proposed to regulate firearms establishments. Ms. Caira described the process undertaken by staff, using maps to analyze the intersection of zones where the firearms establishments might be allowed, with various buffer distances to a list of sensitive uses. She described how staff came to recommend option #5, which would limit locations to two separate areas on opposite sides of the city: a portion of the business zone comprising “The Street” at Chestnut Hill and a business zone in Auburndale near Rumford Avenue and the landfill. Ms. Caira stated that in order not to challenge the U.S. Constitution, zoning needs to allow locations that are meaningful possibilities. In any case, any gun establishment would require a special permit, according to specific criteria, so would go before the Council Land Use committee.

Chair Crossley opened the public hearing.

**Alexandra Wolf**, 125 Moffat Road, stated that she is a founder of ***Stop Gun Stores in Newton***, a group formed by citizens who were shocked and angered to learn about plans for a gun store to open on Washington Street, without any local restrictions or notification requirements. A Facebook group began on April 15 and were immediately inundated with hundreds of requests from residents who wanted to act. Today, our Facebook page has 2,000 members, our petition submitted to you tonight has 9,280 signatures, and we have distributed over 700 yard signs throughout the City. Newton residents overwhelmingly oppose gun stores in our city. City as Councilors you have received hundreds of emails from residents in opposition to this store, and many of you have expressed that this issue has galvanized our residents like no other during your tenure. Gun stores will make our city less safe. Nothing that gun advocates say can negate

the clear and present danger that guns pose in our society. Research shows that more guns in a community lead to more gun deaths, access to a gun increases the chance of death by homicide twofold, by suicide three fold. And a gun in the house increases the risk of a domestic dispute or domestic violence dispute, enabling ending fatally fivefold. A recent study shows that having gun stores near schools leads to more kids bringing guns to school, and the presence of guns increases the rates of youth suicide. Our children already experience increased anxiety and fear from the ever present threat of a shooting at their own school, stemming from daily reports of such shootings and regular lockdown drills. We should not subject our children to the threat of violence or normalize guns by having gun stores on walking routes to schools, near playgrounds, libraries, or parks. Gun stores are also a high value target of criminals and contests in Massachusetts have been on the rise, peaking in 2020 during the heightened anxiety of a crippling global pandemic, Massachusetts had been a model for what effective gun reform looks like we have passed some of the strongest gun legislation including background checks for gun sales, an assault weapons ban and a Red Flag Law. These measures are working. Massachusetts has the lowest gun death rate in the country and Newton can be a leader in how cities can further impact, impact, limit the impact of gun violence on a municipal level. Newton is made up of neighborhoods with walkable, vibrant village centers in which our daily lives occur. This structure is what makes our city so great and so inappropriate for the establishment of a gun store. A gun store should not be located near residential neighborhood public buses, schools, houses of worship or women's clinic. The challenge facing the council is not lost on us, a gun store does not belong in Newton, and while we appreciate the legal hurdles and hardships posed by a complete ban, we urge you to pass the most restrictive and inhospitable ordinance possible to effectively dissuade all firearms dealers from operating in Newton.

**Dr. Peter Greenspan**, 37 Westbourne Road, stated that he is a pediatrician. Children fear what might be happening to them. This fear can lead to an unhealthy state of hyper vigilance in which the brain focuses on the threat versus learning and creativity. This is detrimental to the developing brain. The result can be anxiety and depression, including sleep problems, fear of leaving home, school, ... other behavioral issues, and in extreme cases, adolescent suicide and suicide attempts. Newton has a low incidence of firearm injuries and deaths, but mental health problems are not so rare. What promotes fear and hyper vigilance? A major factor is repeated exposure to guns and gun violence. Constant media exposure is harmful. Signage and presence of gun stores and places easily seen by children and adolescents can intensify fears as well. We cannot totally prevent our children from exposure to gun violence, but we can try to minimize exposures and reminders. A total ban on gun stores would be ideal. Zoning decisions are critical and can decrease the reminders of gun violence. Gun stores should be kept away from sensitive uses, including walking routes to schools. In addition, we do not want to allow firearms displays, gun related signs or advertising. Protecting our children is our highest priority. At the very least, we need strict zoning restrictions on the location of gun stores.

**Rabbi Alison Berry**, 42 Clarendon Street, stated that she will speak on behalf of Newton's interfaith Clergy Association. Two weeks ago, 18 members of the clergy in Newton signed a petition that was in the TAB stating that our faith traditions lead us to understand that any

engagement with firearms, specifically access to a store in our city, is dangerous and promotes violence, which goes against every faith tenant of what we believe in the communities that we tried to build. I know that many of you are working to make it difficult if not impossible for these stores that sell violence and pain to open in our city. I also question what we can learn from this experience and want to take our lessons forward. It may feel like a digression from our question of zoning, but it is not. My faith tradition requires me to act when I see wrong. We all have a basic right to feel safe in our communities. Our city is acting, but when I think about this, we all know that we may succeed in not having a gun store open here, but that store will just go down the road to another community perhaps without the resources we are blessed to have in Newton. A gun shop makes no one in our Greater Boston community safe. I propose, as we resolve this situation in some manner that meets our needs, that we can we offer our knowledge regarding zoning and regulations to build partnerships with other local communities that may need our help. This way we create so much broader real and lasting change, benefiting all.

**Nanci Ginty Butler**, 38 Wyman Street, stated that she is a clinical social worker and an expert in adolescent mental health and suicide. I worked in and oversaw Newton funded counseling programs for our families and teens. I am currently the Director of Mental Health in adolescent and young adult medicine. Suicide is an impulsive act. Do you know the average amount of time between when a person decides to end their life and when they try? Multiple studies have shown that it is under 20 minutes. Our former Surgeon General describes suicide as the most preventable form of death in our country, because when people do not have access to lethal means during that 20 minute window, they usually do not have another attempt ever. Lethal means include more than firearms, but firearms have proven to be the most lethal. Harvard's research categorically shows that states with higher rates of gun ownership, have higher suicide death rates. When access to lethal means is limited, suicide rates drop. Suicide is also much more prevalent than most people realize. Each year we see four times more suicide deaths and homicide deaths in our country, and suicide is the second leading cause of death among young people right here in Newton. Newton should recognize that allowing a firearm store on a main thoroughfare near schools, shelters or libraries is a lethal means. This would not only fly in the face of what we know about suicide prevention but threaten to undo the progress Newton has made. Seeing a gun store does not make anyone suicidal or homicidal, but people who are already vulnerable become more likely to attempt suicide when lethal means like guns are available and visible. The Second Amendment debatably protects the right of people to keep and bear arms. Protect Newton and restrict firearms store location and signage and put gun stores in their place.

**Arianna Foster**, 42 West Street, stated that she is a fifth grade teacher. A group comprising of educators from all 22 Newton schools has adopted this statement, as new educators the emotional wellbeing of our students is a top priority for students to learn effectively and be their best selves, they must first feel safe, not only in their schools, but also in their surrounding community. Having a gun store in the vicinity of a school will inevitably make students feel unsafe. For this reason, I respectfully request that the city adopt strict zoning restrictions on

any gun stores, keeping them a substantial distance away from schools and school walking routes. It is a chilling fact that our children have lived with the reality of school shootings for their entire lives. As a result, lockdown drills have become the new normal. In 2021, every child attending the Newton Public Schools has experienced lockdown drills, every year since kindergarten. Students have practiced how to stay safe. Although we must ensure their safety, we must deal with the traumatic ways these drills impact their emotional health, no matter how much reassurance we provide. Having a gun store close to schools will further provoke powerful feelings of anxiety. In fact, worried for their safety students are asking us why are gun stores coming to Newton? Please help ensure our students, our children's physical and emotional safety adopt strict zoning restrictions on any gun stores keeping them a substantial distance away from all schools and all school walking routes.

**Eileen Solomon**, 1261 Center Street, stated that she is a realtor. Home buyers flock here because of our schools, transportation, villages and because they feel safe. I was shocked when I first learned that a gun store was opening. Because the culture of Newton, as being a safe place to be, was threatened. I feel threatened by this, so many people feel the same way. I hope that it (the zoning ordinance) will be as restrictive as possible, and that we can maintain our image at a wonderful place to live.

**Constantinos Zacharakis**, Newton South High School Junior, stated that he wants to talk about how students themselves are feeling about all of this. I would like to say that students do feel those ways, one that I really appreciated was by Arianna Foster, and can attest to how a lot of us feel. The first time I remember is since third grade, we have been having those lockdown drills, and they've really kind of made us numb to the fact that it is so likely that we might have an incident of gun violence at one of our schools. We have been going through lockdown drills every year. Every time we walk into a new classroom, we always look for a place where we can hide if an incident like this happens, and that is something that should not be happening in our schools. We should not be thinking of where we are going to hide if someone comes in trying to kill us. Every time I get up, I always make sure to take my phone with me just in case something happens. Allowing a gun store in our city, literally makes it easier for a gun to be purchased and used nearby. If someone wanted to purchase a gun, there are many places they can that are not in the city. However, all the students I have spoken with agree that there is no place for a gun store in our city. The city should be doing everything in its power to protect us.

**Tom Mountain**, 117 Truman Road, Chair of the New Republican City Committee and Vice Chair of the Massachusetts Republican Party, quoted directly from the United States Constitution, Second Amendment. "The right of the people to keep and bear arms shall not be infringed". Not "might not be infringed" but "shall not be infringed." What you people are trying to do with putting in this draconian illegal ordinance is exactly that you are infringing upon the rights of our fellow citizens small businesses and gun owners, You have no right to do that, you can mask it in whatever way shape or form you choose, but when you talk about we're going to put in standards and criteria we are looking to apply the greatest buffers we can apply, you can't do that. Essentially what you are doing is that you are trying to keep a lawful business out of



Newton, by putting in these draconian blocks, and you are not allowed to do that. We have the Constitution in our favor that this will not be tolerated. Children should not have a problem walking by a gun shop. You are going to be challenged in court, we are going to fight you in court. The gun shop will come.

**Isaac Fine**, 24 Lockwood Road, I never thought I would have to speak at a public meeting because the mayor and the city council were not doing enough to prevent the opening of a gun store in our city. You should adopt zoning regulations that make it physically impossible for gun stores to open here. This is legally feasible and is the right thing to do. There has been a lot of attention on the legal questions so let me address it, the Second Amendment protects a person's right to bear arms, not the right to sell them. The right to possess guns, and the right to sell them, are two different things. From a legal perspective, the right to sell guns is like the right to sell alcohol, the city council's zoning proposal proves this by speaking of selling guns on the same level as other adult retail businesses. Local jurisdictions have broad power to restrict activity that is constitutionally permissible. Newton needs to eliminate gun stores. When you listen to the mayor, you would think the US Constitution requires new type of gun store here. This is false. The constitutional issue is a question of access. There is no doubt that residents of Newton have plenty of access to guns without having a gun store here. The mayor really does not have any credibility on this issue to begin with. If it were up to her actions, there would already be a gun store operating on Washington Street, a stone's throw from Cabot's by her own admission. The mayor knew about this gun store and she did nothing about it for weeks. It was a stroke of luck (that) the owner tried to renovate the building without a proper permit so that the city was able to stop the gun store from opening. After it became public and everyone reacted, she (the mayor) started publicizing false legal arguments about the constitutionality of gun stores. It tells gun stores you can operate here this is an invitation, more than anything. The zoning proposal allows gun stores. I am asking city council to reject alternatives and adopt zoning regulations that make it physically impossible for gun stores to open

**David Yavin**, 32 Jamison Road. I actually want to applaud the Mayor and City Council for taking a rapid and intensive action on this troublesome issue and to say how gratifying it is to live in a city where the mayor's office and councilors read citizens emails and respond expeditiously. Regarding the gun store, I have four points. #1, buffers of a few 100 feet even 1000 feet do not do it for me, it takes a teenager 60 to 90 seconds to walk 1000 feet. Our goal must be no gun stores in Newton period. #2, I fail to see why a flat out ban cannot be achieved if Wellesley, our neighbor can decide it does not want liquor stores, denying the opportunity for anyone wanting to own a liquor store, Newton can decide the same for gun stores. I have read the Second Amendment many times and cannot find a way to interpret it as granting anyone the right to open an arms store in any community they want. #3, if it is determined that there is no way to ban such stores, then the city should not stop with zoning, (it should also) pass ordinances that make it hard, costly and time consuming to get a permit and pass ordinances that will make it very hard to turn a profit from a gun store. #4, facing litigation is not a good reason to avoid doing the right thing, the city has a legal department. No gun stores in Newton.

**Matthew Tocci**, I believe a firearm is a tool, and a store being opened in the city is a retail store, which the parameters I believe were followed and now trying to be changed, intentionally to shut it down. I do not know why this is happening, but I think that people should realize that. Wherever you rezone a business, and even if it involves firearms. What is the reason to put it in a different place, when it is already set in stone? It seems like it is intentional, that is trying to be relocated. Massachusetts is one of the hardest states in the country to get a license to carry. People who are licensed know how difficult it is to obtain. I would like to inform everybody that a firearm is a firearm. A child walking home from Newton North High School, cannot just walk in and purchase a firearm, you need a license to carry. You must be vetted from any assault and batteries, violent crimes and felonies. FIDs are now restricted. When you purchase a firearm, you purchase a tool. You could do the same damage with a vehicle, firearm or anything else. Understand that a firearm is only a tool, and if people follow the right parameters to have this tool, they will follow the protocol, it is very strict in the state.

**Mikhael Smits**, I went through school afraid of attacks. Responsible firearm ownership is not the threat but maybe part of keeping Newton safe. This last year, African American firearm ownership is up 58% nationwide. Asian American firearms dealers around the country, report a spike as well. Whether to zone, Newton firearms stores out of existence, or away from our schools cannot be about gun safety given firearm availability online. The only burden will be those who were following the law. Mayor Fuller and others have recognized the persistence of the Second Amendment to the questions less about firearms disappearing, and more about them existing in the right way. Firearms are not the exclusive province of violent criminals. Unaccountable police officers stigmatizing firearm ownership or relegating stores make model firearm ownership impossible. I suggest we let Newton be a home for safe and responsible ownership as I own a firearm for safety reasons and ask that you, please do not make that hard.

**Rhiannon Esposito**, Jewett Street, I am a student heading to Newton North. Next year, I am also a member of the Newton Youth Commission. I have this thought that is always in the back of my head. *What if it is my school today?* Knowing that a gun shop could open that fear that nervousness that someone could come in and open fire will increase more than it already has within myself, my peers, our teachers and our parents. Is this the effect that you want to have on the citizens of Newton? Now, if you were to say well, I would use my gun to hunt or go to a shooting range that does not make sense because there are no hunting areas or shooting ranges in Newton. If you are going to a shooting range in other parts of Massachusetts, then it would not be a problem to go to a different town to buy your gun, gun stores exist in Waltham, Dedham, Natick, Norwood and many other surrounding areas. If you feel a strong need to have a gun, then it is not a huge problem to go an extra 10 minutes to buy one. There are five schools, a grocery store, a liquor store, a cannabis store and an ice cream shop, all within walking distance from this proposed gun shop area. Teenagers and young adults are way more depressed and suicidal than they were when you all were our age, easy access to deadly weapons increases suicide and homicide rates. If we are going to make policies and invest in this when we already know that we do not have the proper funding and care for mental health for young people, then God help this town. I would like to close with a quote from Emma

Gonzalez, who is a survivor of the Parkland School shooting. She says, *adults like us when we have strong test scores, but they hate us when we have strong opinions.*

**David Phillips**, 62 Stewart Road, a lawyer and a law professor stated that he has asked the Law Department for a list of the cases and citations upon which they relied without getting any response. There simply is no constitutional right to sell arms with the Second Amendment. It says is there is a constitutional right to bear arms. Some courts have held that there is a constitutional right to purchase arms, but there is no constitutional right to sell arms. Much of what the planning department has done is based on that false assumption. Each time I hear about a notion of balance is not free, it is the balance against some constitutional rights. The constitutional rights that people are assuming just do not exist. I think having a gun store anywhere near the Solomon Schechter Day School, is just crazy given the extent of anti-Semitism that is present right now in our society. The 150 feet from a residential use is much too small. 9am to 9pm, does not make sense, it should be 9am to 5pm to let somebody be seen if you are going into a gun shop. We do not have to have any gun stores in Newton, but if we do, be more restrictive on zoning.

**Jonathan Sage**, 55 Farwell Street, stated that Farwell Street is approximately a block and a half away from where gun store is proposed. There are a lot of kids in the neighborhood. The thought of a gun store in this neighborhood is scary to me. I appreciate the arguments of people who are gun owners and I believe that a gun store would be beneficial to Newton. I would also argue that the rules that are being presented do not go far enough. I think that we must look at the licenses and determine whether we are going to allow guns to be sold across borders, so that we become a hub for gun sales around the country. We also must decide as to whether we should have police details required, as they are for marijuana dispensaries. I believe that a gun store in Newton will fail, it will be in an area that will be less accessible and there is no market for gun shops. If we must have a gun store, then stricter policies are necessary than what is being presented tonight.

**Carolyn Gabbay**, Doris Circle, stated that she lives about a half mile from the 709 Washington Street location. I am a member of the Newtonville Area Council. I think it's legitimate for the community to know from the administration, the question that's been asked repeatedly and has not been answered at all in a satisfactory way which is what did they know and when did they know it, and why did it take the administration three tries to come clean to admit that the initial filings for the gun shop, or in January and that the mayor personally knew about the application in March, weeks before the information finally erupted in the community on April 13 through 15th and that the city councilors were never notified. I do worry about what kind of precedent we might end up setting if there's litigation. I do think the city should spend the money on litigation over and above the pro bono help. I am concerned that the makeup of the Supreme Court now is far different than it was during the Alameda era when the Supreme Court in that composition allowed that decision to stand. I unfortunately must support smart zoning, that would restrict extensively the use of the allowance of gun shops and appurtenant uses in town. I am asking that the Rumford Street area be excluded for several reasons. One,

the area is low traffic it is an out of the way spot which frankly for a gun shop is fine, from a business perspective, those who want to buy guns will find them. However, it is adjacent to properties that are unfortunate and should be offered there is just over the line barely 500 feet away. The buffers should be extended to provide 1000 feet of buffer just as it is done with schools and childcare.

**Madeline Ranalli**, 16 Wyoming Road stated that she has dedicated her young adult life to combat gun violence. As the political director of a youth led gun violence prevention nonprofit called *March For Our Lives, Massachusetts*. While working to pass lifesaving firearm legislation at the state level and working to support violence intervention programs in the neighborhoods, I perhaps never really expected my work to bring me so close to my own backyard. But I am here today as an advocate, who has had to grow up as part of the gun violence generation, to urge the adoption of the Planning Department's alternative #5 zoning maps with a special permit requirement, at least 150 and 1000 foot buffers from residential and sensitive use buildings as well as the adoption of Councilor Krintzman's amendment. Gun shops and licensed gun dealers of this kind have been repeatedly proven by public health research to lead to higher rates of gun possession and gun death studies by researchers at West Ed, a Youth Education nonprofit based in San Francisco found that the proximity of gun stores to school zones, lead to higher rates of student gun carrying. Researchers and preventative medicine showed that proximity of gun stores or gun dealers lead to higher rates of intimate partner violence and homicide. I also want to add that as a gun violence prevention advocate, this store would certainly impact the entire city. In conclusion the establishment of buffer zones, such as those and the proposed amendments are crucial to keeping our community safe. I encourage the city councilors to do everything in their capacity to not just ensure swift passage of changes towards zoning ordinance, but to continue to work towards a Newton to ensure that no community must deal with the collective trauma that gun violence can inflict.

**Orley Shiner**, stated that as a high schooler, school shootings are not fortunately something that plague my thoughts. I remember when my friend called me warning me of the gun store to go in near my home, I felt like crying and breaking down and I was sick to my stomach knowing that there is a gun store Newton would make my school career genuinely terrifying. I can only imagine how horrified parents must feel. The opening of the store would be an enormous step backwards for our city, our state and our nation. I urge you to ban this gun store or at least apply the absolute strictest zoning laws possible to keep our community and neighboring communities safe and secure.

**Rebecca Perkins**, 25 Highland Avenue, a physician at Boston Medical Center where we have entire systems devoted to the impact of violence and the multi-generational trauma that it creates. We have heard from students talking about their daily anxieties around guns and violence. We have heard that it is in fact not a constitutional right to sell arms, but merely to own them. I strongly urge the city council to put in the absolute strictest zoning possible. Banning guns entirely would be ideal, but we need to protect our children, we need to keep this a safe community.

**Sharon Polk-Sadownik**, Sargent Park stated that the thought of a gun shop in Newton is very traumatizing. On the Mass Pike there is a huge sign for Garden Remedies. What is happening to Newton, it is hardly the Garden City. The idea of a marijuana shop and on the next block, a gun shop. If we cannot keep a gun store from being in Newton, then I want to urge that it be far away. Enact the most restrictive policies possible, if not completely.

**Lucas Stilianos**, 2 Wells Avenue asked those in attendance who are opposed to the opening of Newton firearms, and are you being honest about the reasons why you oppose it? - Citing the *Stop Gun Stores in Newton* website, the shops proximity to schools and recreation is named as a chief reason against the opening? I do not believe that this is about schools. I believe its hand wringing by those who hate guns in any capacity and consider the Second Amendment a constitutional orphan. The attendees who have spoken, concede that this is anti-gun sentiment. I would recommend that the city council respect the Constitution, and leave the law abiding citizens alone because that is the only people who will be affected by these decisions are the law abiding citizens.

**Michael Lange**, 15 Fox Lane, stated that he supports the gun store. Our law should not target individuals to change the laws and use city police powers to prevent a man from opening an approved business selling lawful products. In the 80s and early 90s, Newton had a gun store within two blocks of the Newton Police Department, the world did not end, the streets did not run in blood, there was no mayhem. Our zoning should not depend on popularity or your personal biases. People spread gross misinformation and the disdain of our constitutional right to self-preservation. They doxed the owner, threatened his business, threaten those supporting gun rights and charge residents with racism, white privilege and anti-police rhetoric that has no place in this process, Newton has more than 2000 licensed to carry gun owners. You are ignoring their interests completely. Many are afraid to speak for retaliations are up because crime is up. Our Police Department is threatened with defunding. We have received robot calls from the department about break ins by armed perpetrators, with people at home, we have seen anti police protests with threats of violence and looting. Now you would deny us the right to carry a gun for protection. Your changes are arbitrary. They are not based on evidence, any evidence that gun stores create danger? Massachusetts is the third most regulated state in terms of gun laws to buy a gun. A license is, safety course, fingerprinting, interview by the Newton Police Department, background checks are all necessary steps. I note the hypocrisy that has been pointed out about this same crowd being okay with a pot shop, similar distance from our schools which does not require a license. If you want to ban gun stores have the courage to do it directly. (This) Zoning leaves no place for a store, and if it did, you would put it out of business with extra requirements. It violates the Second Amendment.

**Jessica Shanahan**, 75 Brookside Avenue, physician and I am also involved with the Newton City Republican Committee. I think a sentiment that has been shared by many of the speakers, is that guns cause violence, that is the core claim, and it is provably untrue. Places in this country that have the most guns and the loosest controls on those guns are also the ones that have the least gun violence and the fewest killings. Anyone who tries to restrict legally owned firearms is

not trying to make our community safer. The point is to disarm us and to strip us of our autonomy, our power and our right to self-defense. Gun control is not about guns, it is about who controls our community.

Remaining comments will be provided at a later date.

**#151-21 Reappointment of Scott Aquilina as a full member of the Newton Upper Falls Historic District Commission**

HER HONOR THE MAYOR reappointing SCOTT AQUILINA, 1253 Commonwealth Avenue, Newton as a full member of the Newton Upper Falls Historic District Commission. His term of office shall expire on June 8, 2024. (60 days 07/02/21)

**Action: Zoning & Planning Committee Approved 8-0**

**#152-21 Reappointment of John Wyman as an alternate member of the Newton Upper Falls Historic District Commission**

HER HONOR THE MAYOR reappointing JOHN WYMAN, 47 Old Orchard Road, Newton as an alternate member of the Newton Upper Falls Historic District Commission. His term of office shall expire on April 30, 2024. (60 days 07/02/21)

**Action: Zoning & Planning Committee Approved 8-0**

**#153-21 Reappointment of Brett Catlin as a full member of the Chestnut Hill Historic District Commission**

HER HONOR THE MAYOR reappointing BRETT CATLIN, 121 Suffolk Road, Chestnut Hill, as a full member of the Chestnut Hill Historic District Commission. His term of office shall expire on May 31, 2024. (60 days 07/02/21)

**Action: Zoning & Planning Committee Approved 8-0**

**Note:** The Committee discussed docket items #151-21, #152-21 and #153-21 together.

Without discussion, Councilor Ryan made a motion to approve Mr. Aquilina and Mr. Wyman's reappointments to the Newton Upper Falls Historic District Commission and a motion to approve Mr. Catlin's reappointment to the Chestnut Hill Historic District Commission. Committee members agreed 8-0.

At approximately 10:30 p.m., the Committee adjourned.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**