

TOWN OF IPSWICH
MASSACHUSETTS

Article 20 Committee
Meeting of Thursday, August 25, 2016
Ipswich Town Hall, 25 Green Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Article 20 Committee was held on THURSDAY, AUGUST 25, 2016 at 7 PM in Town Managers Conference Room

Eric Josephson, Chief Paul Nikas, Bob Weatherall, Tammy Howe Psy. D., William Craft, Susan Boreri MD, and Fred Winthrop.

Bob Weatherall called the meeting to order at 7:06.

Citizens Inquires

Geometry of the Range, if you get the geometry and backstop designed properly then wouldn't the distance between places become moot. Josephson explained we can grow requirements but not shrink them because these are state laws. The citizen said he understands this, but then they wouldn't need to increase the distance if this was done instead.

Discussion:

- Chief Nikas contacted Burlington and the Burlington Chief said he never seen a document. So he reached out to Bilerica, and they don't govern that. The private organization does this for them. The other Chief's felt Ipswich was breaking new ground.
- Chief Nikas said the ones that have banned discharging a firearms do not have hunting grounds.
- Mr. Winthrop tried to contact the Fish and Game and he has a list of names of people who are willing to talk to the Committee.
- Mr. Winthrop explained their focus is on hunting and not shooting ranges. Mr. Winthrop will try to learn more.
- Mr. Weatherall explained that the committee was inclined to ask Town Meeting to create a new committee, to further flush this out.
- Mr. Josephson said he felt this committee could really get far with this with maybe not needing another committee.
- Dr. Howe said since the last meeting everyone should have thought of ideas in terms of guidelines. And these should be guidelines the chief can be interpreted based on the situation.
- Mr. Craft said right now we have some regulations provided by the state in term of hunting, it also is clear that if we have a licensed gun owner in a situation with self-defense. Other than that we have no regulations on discharge of firearms.
- He felt we were headed toward additional discharge so there would be fewer random discharges of firearms in Ipswich. You either hunt, in self-defense or you are involved in sport or target practice. He includes sighting a gun in this last group.
- Mr. Josephson has trouble thinking of any other discharge of firearms could be that isn't involving a crime.
- Mr. Craft agreed, that there is not a lot of problems in Ipswich that are outside the legal reasons to discharge a firearm.

- Mr. Craft recommended the committee go to Town Meeting with a report and request money from the town to engage civil engineers to assess/make recommendations. He would like to try to get this for free preferably.
- Mr. Craft does not feel we have a problem today, but it is in our best interest to think down the road.
- Dr. Boreri felt that exactly what Mr. Craft said was what her article 20 brought forth to begin with.
- Mr. Weatherall said that the charge of this committee was not to create a bylaw, but that he agreed with what she was saying.
- Mr. Weatherall felt we needed to give a substance to the ranges, and that should be the focus.
- Chief Nikas said what we are continuously up against is that they are all talking about commercial ranges and are not talking about backyard ranges. There are no regulations on that.
- Mr. Craft said this committee would need to continue to engage expertise on this, or recommend follow up effort on that part.
- Dr. Boreri felt if we come up with concrete solutions, the person who is buying a new house would know the range at a neighbors are safe and have that sense of security about it.
- Dr. Howe feels we are going from guidelines to bylaws and wants to determine where we want to end up and what is feasible and enforceable.
- Dr. Howe likes the idea of giving a set of guidelines that the Chief and people in town can use. She feels these guidelines are important but they need to be palatable.
- Mr. Josephson said there are many ranges in town that are not causing problems, there is one range in town causing all the problems. We are talking about the exception to the rule.
- Mr. Craft said we are talking about also future ranges being set up and not just the ones currently in existence.
- Dr. Boreri said at the least meeting we had discussed each submitting 3 ideas and coming up with a consensus.
- Dr. Howe said just things we want included in the guidelines. She is realizing if we get too restrictive then there are ways around it. Also guns and situations change and we want to make these guidelines work no matter what happens.
- Mr. Weatherall asked the Chief why if we are setting up things that are not too restrictive, but have teeth for him why can we not put national guidelines into place.
- Chief Nikas said because the guidelines are commercial ranges and volume of shooters and rounds.
- Mr. Weatherall can we find single shooter guidelines? And pursue this direction.
- Mr. Weatherall asked if the berm may change depending on the caliber. This was confirmed.
- Mr. Weatherall said the chief could inspect based on the weapon and they are approved for X and not for Y.
- Mr. Winthrop felt this may add to his burden and wanted to know if it was realistic for him.
- Chief Nikas said it would be good to know when someone was going to go shooting, so if they received calls they could tell neighbors they know about it and it is ok.
- Dr. Howe asked if this could be a guideline recommended that they call first.
- Mr. Josephson said this would need to also apply to commercial institutions and they would need to call every day.
- Dr. Boreri felt we were not looking at clubs, they are looking at backyard ranges.
- Mr. Josephson said they have set up for high volume, if they are going to put more restrictive requirements on backyard range and can't then turnaround and accept someone else.
- Dr. Howe thought they could do this because they could look a calendar for the fish and game club and know they are shooting every day. They could have exception days if someone out of

the ordinary will be happening. A backyard range shouldn't be shooting everyday but a club would be expected to.

- Chief Nikas said the fish and game club is nonprofit so it can end right there. All nonprofit clubs could be excluded because a backyard person would need to register with the state and it is not an easy process.
- Dr. Howe didn't think what we are discussing is not exempting the fish and game from safety regulations, we are exempting them from calling for a daily notice.
- Dr. Boreri felt we agree that the Chief has the authority and annual inspections and permits.
- Mr. Josephson said we have not agreed to annual inspections and permits. We have agreed to giving the Chief the power to determine the range is safe.
- Dr. Boreri felt the annual inspections were important and the burden would be on the home owner to get the license renewed.
- Mr. Josephson felt they have to wait for the Chief to inspect and it could be delayed.
- Mr. Weatherall said they could do similar to chickens and random inspections with no notice could be done instead.
- Mr. Josephson said he could agree with inspections at will.
- Dr. Howe said she like this, but that there is a burden on the homeowner if they change caliber of their weapon to adjust berms and let the chief know. If they do not let him know and have surprise inspection they could have permit revoked.
- Dr. Boreri had fears if someone came and inspected for small caliber and changed shortly after and someone got hurt.
- Mr. Josephson said that if someone does this, they were not approved in the first place.
- Dr. Howe said we could word the guidelines to cover this and the situation gets inspected.
- Mr. Josephson said we are saying you need something to stop the bullet, if you use a gravel pit and have a safe area to shoot you can tell right away it's safe.
- Mr. Winthrop asked about the word permit, and if the committee was thinking the permit was required for everybody who wants to discharge a firearm or just if you are inviting others.
- Chief Nikas said he understands sighting a rifle, and he was thinking of how to quantify this. Maybe the language could say if you plan to shoot more than X times per year you require the permit.
- Mr. Craft said that Mr. Winthrop raises the most difficult question, to quantify this.
- Mr. Winthrop asked if it appealed to the Chief people calling dispatch asking about shooting.
- Chief Nikas said it does, they chase calls a lot about people discharging a firearm.
- Dr. Howe felt the Committee was asking that someone at some point has eyes on where people are shooting.
- Mr. Josephson agreed with this, his sticking point is a heavy handed permitting process. If they come up with commonsense guidelines there will be no problems. He felt that the inspections were not necessary because they are not currently done for burn permits.
- The Chief said that he didn't think that this would be dozens of people, he didn't think it would be too bad to inspect.
- The Chief is also not thinking of a permit in terms of a huge paper trail, but some paper trail so it's documented. Just a running roster of what they are certified up to, their name, address, confirm appropriate target etc.
- This would be done without fees, unless it becomes too cumbersome but he really does not feel it will.
- Mr. Craft was intrigued by the idea of having people over to shoot, and they would be restricted by the same regulations.
- Chief Nikas said they would have to follow state laws on licensing.

- Dr. Boreri asked if you were going to have multiple people shooting at a regular basis would the berms have to be thicker, etc.
- This was explained if they took turns shooting and not all at once it would be fine.
- Mr. Weatherall asked if we could take the next step, do we have consensus on having a recheck on ranges overseen by the Police Department and consistent with a set of guidelines that are delineated by gage.
- Mr. Josephson said it could be “backstop must be appropriate for the caliber of cartridge and the type of firearm, rifle or shotgun used”.
- Mr. Weatherall said the next step is to find the document that establish caliber.
- Dr. Howe said that would just be referring back to national standards.
- Mr. Weatherall asked if there was an accepted national accepted agency that oversees standards for backyards. This does not exist. We would be writing these and there are a lot of caliber s and types.
- Mr. Weatherall asked what the chief would like to see for different caliber s.
- Dr. Howe asked if there was a way to make a list that can be sent that says for example if you’re going to shoot this you should do this.
- Mr. Josephson said then we are being too prescriptive, and the Chief agreed. Mr. Josephson has listed things out and thought maybe these could be a starting place.
 - There should be designated shooting lines. A place to shoot from.
 - There must be a backstop of some sort behind the target to stop bullets, slugs and shot.
 - The backstop must be appropriate for the caliber of cartridge and the type firearm, rifle or shotgun used.
 - The backstop must be high and wide enough to handle poor aim. The backstop must be appropriate for the number of simultaneous shooters allowed.
 - The target must be level with or lower than the shooter when using a firearm (pistol) or rifle.
 - The target should be designed as a target and be appropriate for the caliber of cartridge and firearms (pistol), rifle or shotgun.
 - The range is subject to all applicable town, state and federal laws and regulations.
- Mr. Weatherall asked if this was too much leeway
- Chief Nikas said no, but this wasn’t going to stop here but it was a good starting point. For targets he would like paper targets or items specifically designed for firearms. He is worried about ricochet, and would like to eliminate this concern.
- Mr. Josephson suggested language “target must be appropriate for the caliber of firearm, shotgun or rifle in use to minimize ricochet”
- Mr. Craft and Dr. Boreri liked specifying materials and the Chief agreed.
- Mr. Winthrop asked how much judgement he would expect this people to inspect safety.
- The Chief explained there is a certain amount of discretion involved in non-mandated rules.
- Mr. Craft thought there would be some training and professional development to handle this.
- Dr. Boreri asked if timing would be included in this and Mr. Josephson didn’t know about a noise ordinances included in this but certainly after sunset made sense to him.
- Mr. Winthrop thought the same regulations on timing as hunting would eliminate confusion.
- Mr. Josephson thought 8AM to sunset was reasonable and Mr. Craft agreed.
- Mr. Josephson discussed indoor ranges, these could be done 24 hours a day.
- Dr. Howe said we are talking about outdoor backyard ranges and not clubs.
- Dr. Boreri felt 8AM was too early, and was hopeful for 9 or 10AM and this was discussed at length.

- Mr. Weatherall said if we are proposing regulations that it should go without saying that children will not be dealing with errant fire when heading to or from school.
- Dr. Howe asked the hours of the fish and game club. It was confirmed as 10AM. Dr. Howe suggested we follow suit and do 10AM to sunset.
- Mr. Winthrop felt this would probably be OK
- Mr. Josephson said what about lighted fields, and Dr. Howe said the fish and game club would be exempted but this shouldn't be done in backyards.
- Defining lighting was not something they wanted to get into, timing was tabled for now but it was suggested 10AM to sunset by the Chief.
- Mr. Josephson said "designed as an appropriate target for the use of the caliber"
- Mr. Josephson said a lot of regulations are on cartridge type and not caliber.
- Dr. Howe said there should be asterisks that say "homeowners are responsible for following EPA guidelines" this would serve as a reminder.
- "Range is applicable to all subject to the wetlands act and EPA regulations" suggested by Mr. Josephson. The Chief suggested all applicable laws, building, conservation restrictions. Mr. Winthrop suggested not listing laws.
- Mr. Winthrop did not want to specify different laws.
- The next meeting suggested agenda was to formalize language and guidelines.
- Mr. Weatherall would contact the Town Manager to ask to appear before the Selectman to discuss the guidelines.
- Dr. Howe wanted to make sure to give plenty of time for the community to be educated on everything to give a report at town meeting and put on ballot for Spring Town Meeting.
- Mr. Weatherall suggested this committee be requested to stay together until Annual Town meeting but not regularly meet until it was time for the public hearings.
- Research for the Chief was to come up with summary language that describes the idea that they would have to contact the police, etc. and a quick copy of the potential permit template.

Set Schedule for Future Meetings

The next meeting would be September 8th at 7PM.

Minutes:

Dr. Howe moved to approve August 18th, Mr. Weatherall seconded. Mr. craft was not in attendance and will not vote. The motion passed.

Dr. Howe moved to approve the July 30th, Dr. Boreri seconded. The motion passed unanimously.

Adjournment

Dr. Howe moved to adjourn at 8:56, Mr. Josephson seconded. The motion passed unanimously.

Respectfully submitted by
Jennifer Dionne
8.31.16