



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

October 21, 2024 AT 7:00 PM

### HYBRID MEETING

**Zoning Board of Appeals Members Present:** Chair John Riordan, Clerk Frank Riepe, Michael Hershberg, Jennifer Pincus and Nancy Rubenstein

**Others Present:** Beth Perry, Planning and Zoning Coordinator

Mr. Riordan opened the Zoning Board of Appeals meeting at 7:00 PM by noting the presence of a quorum.

#### Introduction from Zoning Board of Appeals Chair

- The meeting was called to gather public input on the idea of amending the Sudbury zoning bylaw concerning the commercial sales of firearms.
- The discussion was based on a proposal developed by an ad hoc committee following previous town meetings where similar proposals did not pass.
- The history of the proposal dates back to the fall of 2022 when the Zoning Board recommended a change to ban firearm sales in Sudbury.
- The proposal has evolved through various stages, including a total ban and a more limited restriction to certain areas, both of which failed to achieve the required two-thirds vote.

#### Presentation from the Citizen Ad-hoc Group Proposing the Bylaw

- The current proposal suggests restricting firearm businesses to a specific zone (ID6), renamed IDX-1, located on the easternmost point of Sudbury, near Route 20 and bordering Wayland.
- The zone is chosen for its isolation from other Sudbury districts and its limited visibility from Route 20.

#### Questions/Comments from the Public at Large

Geoff Phillips, 125 Hudson Road spoke generally that the citizens plan was an improvement over the earlier 2024 proposal advanced by the Select Board at Town Meeting. He criticized the citizens committee that drafted the most recent proposal for not including what he called 2A (Second Amendment) advocates (not necessarily limited to Sudbury residents or businesses) on its team. He was critical of the \$5 million minimum liability insurance requirement and mentioned what he termed its prohibitive cost. He felt this would be an added deterrent from any firearms sales business considering a commercial sales operation in Sudbury.

Manish Sharma, 77 Colonial Road commented that he felt that the proposal might impact the tax base of the town but offered no specifics in this regard. He noted that the proposed bylaw did not include any restrictions on applications from individuals with felony convictions.

Laurie Eliason, 411 Concord Road identified as a member of the town's Rail Trail Advisory Committee and commented that there were no minimum setback requirements within the identified parcel and that differentiated the proposal from the plan advanced by three members of the Select Board at 2024 Town Meeting. Comment was received regarding a portion of the identified parcel abutting the Mass Central Rail Trail. The proximity of the proposed parcel to the driveway entrance to the Longfellow Recreation club across state highway Rte 20 was also noted. There was discussion regarding the entrance signage at the intersection of the driveway entrance to the proposed parcel and Rte 20 and whether Sudbury has jurisdiction regarding sign restrictions if this location is actually in Wayland.

Len Simon, 40 Meadowbrook Road from the Citizens Group that drafted the proposal spoke next and addressed some of the concerns regarding the origins of the \$5M liability insurance requirement in the proposal. He noted his civil law practice experience and believed the limit was not unreasonable, and compares reasonably with liability policy minimums for other significant businesses and professions e.g., medical malpractice, legal malpractice liability, etc. He also noted that this is just the beginning of the development of the proposal, that the input of the residents of Sudbury is being sought, as is the case with other town departments. He also addressed some of the previous comments received regarding the setback requirements specific to this isolated site, and the limited proximity to the Mass Central Rail Trail.

A Sudbury resident felt that the Board was wasting its time considering the proposal inasmuch as many of the restrictions and/or limitations in the proposed zoning bylaw were preempted by Federal case law apparently referring to the 2022 NY State Rifle & Pistol Assoc. vs Bruen decision. Several speakers including the chair distinguished that 2<sup>nd</sup> amendment decision regarding firearm right to carry (the Sullivan Act) from land use/zoning regulation *not* limiting possession or right to carry firearms. Official comments from the Bureau of Alcohol Tobacco and Firearms were welcomed by the chair on the proposed zoning bylaw

Next Steps:

- Continue gathering public input and feedback from various stakeholders.
- Refine the proposal based on feedback and legal counsel.
- Consider forming a more inclusive ad hoc committee with diverse viewpoints.
- Plan for further discussions and potential revisions before advancing the proposal to a town meeting warrant article.

Mr. Riepe made a motion to adjourn the meeting. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye

The meeting was adjourned at 8:33 PM.

**Note:** This summary captures the essential discussions and decisions made during the meeting. For detailed inquiries, please refer to the full meeting transcript.