

SUDBURY SELECT BOARD

TUESDAY DECEMBER 19, 2023

7:00 PM - ZOOM

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Janie Dretler, Vice-Chair Lisa Kouchakdjian, Select Board Member Daniel Carty, Select Board Member Jennifer Roberts, Select Board Member Charles Russo, Town Manager Andrew Sheehan

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:00 PM, via Zoom telecommunication mode.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order

Select Board Roll Call: Kouchakdjian-present, Russo-present, Carty-present, Dretler-present

Opening remarks by Chair

- Thanked the Chabad Center of Sudbury for sponsoring the menorah lighting on the first night of Hanukkah in front of Town Hall
- Announced Congresswoman Katherine Clark toured Sudbury construction projects yesterday, including the Fairbank Community Center and the Fire Station
- Cautioned everyone to be careful when driving after yesterday's storm
- Police Youth Academy is accepting participants for next sessions in the summer
- Warrant Articles are to be submitted by January 31, 2024 at 4:30 PM
- 2024 Town Election schedule is now on the Town website
- Town Budget season begins after the holidays – Capital night with Select Board, the Finance Committee and CIAC is scheduled for February 12, 2024
- Wished everyone happy holidays and New Year

Town Managers Report

- Thanked all who participated in yesterday's tour with Congresswomen Clark and her team; a special thanks to those who participated in the Fairbank Community Center tour.
- Division of Local Services certified the Town residential tax rate of \$14.61 and the CIP tax rate of \$21.16
- Sudbury will be receiving \$412,543.00 from funding via the State's Fair Share Amendment as part of Ch. 90 FY24 distribution.
- Extended happy holiday wishes to all

Select Board Reports

Vice-Chair Lisa Kouchakdjian

- Yesterday's tour with Congresswoman Clark was fabulous and the community came together for the event at the Fairbank Community Center.

- Wished all very happy holidays

Board Member Dan Carty

- Great to see the public coming together yesterday for the tour of the Fairbank Community Center
- Some residents still without power due to the recent storm
- Annual Warriors 4 Warriors took place last weekend in support of the Scott Milley Foundation
- Wished all happy holidays

Board Member Charlie Russo

- Applauded Goodnow Library for celebrating “Swiftness,” Taylor Swift’s birthday last month
- He’s been busy responding to the Freedom of Information Request submitted by resident Jack Ryan for “all records between Select Board Member Charlie Russo and all individuals and organizations concerning the so-called firearms bylaw;” Board Member added some of the documents are included in tonight’s meeting packet and he’d be happy to share all the information with all interested in efforts to help promote gun safety
- Extended happy holidays to all

Public comments

Resident Manish Sharma, 77 Colonial Road, wished everyone a great holiday season. He detailed that the new tax rate was spot on, and asked about additional funding.

Board Member Jennifer Roberts joined the meeting at approximately 7:15 PM. She announced her attendance at the meeting; Roberts-present.

Resident Ralph Tyler, One Deacon Lane, expressed his concern regarding possible zoning/firearm bylaw within the Sudbury Research District. He suggested the Town should vote on such zoning, or consider no zoning for sale of ammunition.

Resident Len Simon, 40 Meadowbrook Circle, spoke of gun violence throughout the country. He stressed gun sales influence safety issues, and the research presented by Board Member Russo should be presented to all residents. Mr. Simon referenced the memo he submitted to the Select Board and agreed with comments made by Mr. Tyler.

Resident Jack Ryan, 155 Ford Road, agreed with comments made by Mr. Tyler and Mr. Simon. He mentioned his service to the Town and stressed the importance of transparency and that the gun zoning topic/related information should be shared with the residents via public meetings/forums. He stressed the zoning aspect should not be rushed.

Chair Dretler recommended that those with further comments should send those comments to the Select Board.

Consent Calendar

#1. Vote to enter into the Town record and congratulate the following members of BSA Scout Troop 63 for having achieved the high honor of Eagle Scout: Walker Glin, Rik Orup, and Harry Levy.

#2. Vote to approve award of contract by the Town Manager upon receipt of a favorable and acceptable bid for cleaning services at the Fairbank Community Center (ITEM TABLED TO A FUTURE MEETING).

#3. Vote to accept the resignation of Dianne Baxter, 2 East Street, from the Diversity, Equity and Inclusion Commission (DEIC), and send a letter of thanks for her service to the Town.

#4. Vote to accept the resignation of Elizabeth A. Struck, 655 Boston Post Rd., Apt. 1104, from the Transportation Committee and send a letter of thanks for her service to the Town.

#5. Vote to appoint COD member Cheryl Wallace to the Transportation Committee for a term expiring 5/31/2024. This is to replace Elizabeth Struck who resigned.

#6. Vote to appoint Adam Burney, Director of Planning and Community Development, to the Transportation Committee for a term expiring 5/31/24.

Vice-Chair Kouchakdjian motioned to approve consent Calendar Items 1, 3, 4, 5, 6; as listed on the Select Board agenda. Board Member Russo seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To approve Consent Calendar Items 1, 3, 4, 5, 6; as listed on the Select Board agenda

Vote to open a joint meeting with Park & Recreation Commission regarding interim commission member. Interview applicant William Atkeson and vote whether to appoint him for a term ending March 24, 2024 (Annual Town Election).

Present: Park & Recreation Commission Chair Ben Carmel, Robert Beagan, Mara Huston, Laurie Eliason and Park & Recreation candidate William Atkeson

Vice-Chair Kouchakdjian motioned to open a joint meeting with Park & Recreation Commission regarding interim commission member. Interview applicant William Atkeson and vote whether to appoint him for a term ending March 24, 2024 (Annual Town Election). Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To open a joint meeting with Park & Recreation Commission regarding interim commission member. Interview applicant William Atkeson and vote whether to appoint him for a term ending March 24, 2024 (Annual Town Election)

Chair Ben Carmel called the Park & Recreation Commission joint meeting to order; Beagan-present, Eliason-present, Huston-present, Carmel-present

William Atkeson

Mr. Atkeson presented his related background and his interest in promoting recreation for residents of all ages.

Select Board Members asked related questions and thanked Mr. Atkeson for his willingness to join the Commission.

Vice-Chair Kouchakdjian motioned to appoint William Atkeson as an interim commission member on the Park & Recreation Commission for a term ending at the end of Annual Town Meeting May, 2024. Board Member Roberts seconded the motion.

It was on motion 9-0; Carmel-aye, Beagan-aye, Huston-aye, Eliason-aye, Kouchakdjian-aye, Carty-aye, Roberts-aye, Russo-aye, Dretler-aye

VOTED: To appoint William Atkeson as an interim commission member on the Park & Recreation Commission for a term ending at the end of Annual Town Meeting May, 2024

Vote to close joint meeting with the Park & Recreation Commission and resume Select Board meeting

Vice-Chair Kouchakdjian motioned to close the joint meeting with the Park & Recreation Commission and resume Select Board meeting. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Russo-aye, Roberts-aye, Carty-aye, Dretler-aye

VOTED: To close the joint meeting with the Park & Recreation Commission and resume Select Board meeting

Chair of the Park & Recreation Commission Ben Carmel motioned to close the joint meeting with the Select Board. Mr. Beagan seconded the motion.

It was on motion 4-0; Huston-aye, Eliason-aye, Beagan-aye, Carmel-aye

VOTED: To close the joint meeting with the Select Board

Vote to approve adding vacancy to 2024 Annual Town Election ballot due to resignation from Park & Recreation Commission

Vice-Chair Kouchakdjian motioned to approve adding vacancy to 2024 Annual Town Election ballot due to resignation from Park & Recreation Commission. Board Member Carty seconded the motion.

It was on motion 5-0; Roberts-aye, Kouchakdjian-aye, Carty-aye, Russo-aye, Dretler-aye

VOTED: To approve adding vacancy to 2024 Annual Town Election ballot due to resignation from Park & Recreation Commission

Update on status and next steps on the proposed firearms business use zoning bylaw

Present: Planning and Community Development Director Adam Burney, Town Counsel Lee Smith

Town Manager Sheehan spoke for bringing this topic to the 2024 Annual Town Meeting, and a possibly conducting public sessions regarding zoning bylaws associated with potential firearms businesses before a

Warrant Article would be drafted. He added that if such preparation would not be ready, it would be possible to present the topic at a future Town Meeting.

Mr. Burney referenced his “Firearms Business Use Potential Location Analysis” memorandum dated November 20, 2023. Two parcels within the industrial zone could qualify for a firearms retail establishment via Special Permit. Board Member Dretler mentioned the possible zoning for residential housing adjacent to the parcels identified.

Vice-Chair Kouchakdjian suggested no further public comment be taken at tonight’s meeting in consideration of scheduling a public forum type meeting to address this topic. Board Members discussed scheduling a related public meeting.

Robust discussion continued, highlighting aspects including By Right Zoning, Special Permit Zoning, Qualifying Zoning Districts, spot zoning aspects, parcel setback considerations, and Town mapping research.

Board Members referenced a memo from Town Counsel Lee Smith titled “Update: Draft Sudbury Firearms Zoning Bylaw and New York State Rifle and Pistol Assn. v. Bruen 142 S.Ct. 2111 (2022), dated December 18, 2023. Vice-Chair Kouchakdjian asked for clarity regarding the case cited. Town Manager Sheehan acknowledged that Attorney Smith was not responsible for the timeliness of the memo. Attorney Smith confirmed that related cases are presented in the courts on a daily basis.

Board Member Russo stated 64% of Town voters at Town Meeting did not favor a firearms ban. He referenced the Attorney General’s position on the firearms bylaw approval in Acton.

Board Member Carty asked Attorney Smith if his opinion regarding a full ban is the same as it was when it came forward a spring Town Meeting. Attorney Smith responded that such a ban would likely invite expensive litigation.

Chair Dretler opined about next steps including additional work on the bylaw and prospective tweaks to the bylaw, the zoning aspects, and formation of a subcommittee to work on zoning. Board Member Russo indicated such a subcommittee would be redundant. Members recommended that Mr. Burney come back to the Board with added information regarding zoning maps and setbacks.

Chair Dretler confirmed this topic would be discussed at the next Select Board meeting.

Board Member Roberts stressed the importance of public education regarding the matter, and opined about an expert in this area present before any public meeting took place. Board Member Russo agreed that more information and time was needed; it would be premature to conduct such a public meeting now.

At 10:12 PM, Board Members concurred that continuing the meeting was needed.

Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler and Entertainment licenses until December 31, 2024, and the Motor Vehicle Classes 1, 2, and 3 licenses until January 1, 2025, as shown on the 2024 License applications attached lists.

Town Manager Sheehan noted that approval of the licenses was subject to receipt and getting everything approved by December 31, 2023.

Vice-Chair Kouchakdjian motioned, “as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses until December 31, 2024; and the Motor Vehicle - Classes 1, 2, and 3 licenses until January 1, 2025, as shown on the "2024 License Renewal Applications," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Select Board's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.” Board Member Carty seconded the motion.

It was on motion 5-0; Roberts-aye, Kouchakdjian-aye, Carty-aye, Russo-aye, Dretler-aye

VOTED: “as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses until December 31, 2024; and the Motor Vehicle - Classes 1, 2, and 3 licenses until January 1, 2025, as shown on the "2024 License Renewal Applications," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Select Board's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.”

Discussion on Transportation Committee

Board Member Carty had attended “The Future of Transportation in 495/MetroWest” conference last week, sponsored by the 495/MetroWest Partnership. He provided highlights about MetroWest transportation aspects noting that Monica Tibbits-Nutt, Secretary of MA DOT was the keynote speaker, who stressed that housing can’t be successful without transportation.

Board Member Carty provided summary of Sudbury Transportation funding to date, detailing a grant in the amount of \$74,865.00, and that we needed Town matching funding of \$17,000. Board Member Carty provided information about other possible grant opportunities and confirmed the Transportation Committee is currently working on these grant applications.

Board Members agreed that ARPA would be a good choice and to continue the discussion at the next Select Board meeting.

Vote to review and possibly approve open session minutes of 11/20/23

Vice-Chair Kouchakdjian motioned to approve the open session minutes of 11/20/23 as edited. Board Member Russo seconded the motion.

It was on motion 5-0; Roberts-aye, Kouchakdjian-aye, Carty-aye, Russo-aye, Dretler-aye

VOTED: To approve the open session minutes of 11/20/23, as edited

Adjourn

Vice-Chair Kouchakdjian motioned to adjourn the Select Board Meeting. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye, Russo-aye, Carty-aye, Dretler-aye

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting ended at 11:03 PM.

SB Meeting – 12/19/23 Documents & Exhibits

3. Vote to accept the resignation of Dianne Baxter, 2 East Street, from the Diversity, Equity and Inclusion Commission (DEIC), and send a letter of thanks for her service to the Town.

Attachments:

3.a DEI Commission

4. Vote to accept the resignation of Elizabeth A. Struck, 655 Boston Post Rd., Apt. 1104, from the Transportation Committee and send a letter of thanks for her service to the Town.

Attachments:

4.a Struck resignation

5. Vote to appoint COD member Cheryl Wallace to the Transportation Committee for a term expiring 5/31/2024. This is to replace Elizabeth Struck who resigned.

Attachments:

5.a Wallace appt_Transportation

7. Vote to open a joint meeting with Park & Recreation Commission regarding interim commission member. Interview applicant William Atkeson and vote whether to appoint him for a term ending March 24, 2024 (Annual Town Election).

Attachments:

7.a William Atkeson Application_Park-Rec Commission.redact

8. Vote to approve adding vacancy to 2024 Annual Town Election ballot due to resignation from Park & Recreation Commission.

Attachments:

8.a memo to BOS-add vacant office to ballot-PR

10. Update on status and next steps on the proposed firearms business use zoning bylaw.

Attachments:

- 10.a Firearms Bylaw AJS 2023-09-18
- 10.b PCD_Director_Firearms_Bylaw_Location_Restrictions
- 10.c KP-#895634-v2-SUDB_FIREARMS_BYLAW_-
_Memorandum_re__gun_store_zoning_restrictions
- 10.d KP-#895720-v1-Relevant_MLU_Decisions_as_of_12-18-23
- 10.e Memo to SB re gun shop.7
- 10.f Russo firearms bylaw docs
- 10.g 10_Teixeira Case Summary
- 10.h 11_Teixeira-Gifford-Amicius-Brief-in-Support-of-En-Banc-Reivew

11. Discussion on Transportation Committee

Attachments:

11.a Sudbury-Transportation-Committee-Mission-Statement

12. Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler and Entertainment licenses until December 31, 2024, and the Motor Vehicle Classes 1, 2, and 3 licenses until January 1, 2025, as shown on the attached lists.

Attachments:

- 12.a Memo to Board re Alcohol licensees 2024_v2
- 12.b Licensee Report 2023_SB_v4
- 12.c Tax Memo 2023

13. Vote to review and possibly approve open session minutes of 11/20/23.

Attachments:

- 13.a SB_draft_11.20..23_min.to_review