

MEMO

To: Select Board, Town Manager Sheehan

From: Len Simon

Re: Permitting gun shops in Sudbury

Date: January 8, 2024

According to the analysis reported by Adam Burney on December 19, due to the widespread residential development in Sudbury, the extensive park areas, which include the 2 rail trails, and town owned land, with a 500-foot setback there are almost no locations for a gun shop in town. In a common-sense way, Sudbury's widely dispersed residential neighborhoods and parks form a unique configuration beneficial to Sudbury. A 500-foot set back has been deemed reasonable by the Attorney General in other zoning matters.

It is not clear why three members of the select board are trying to weaken the present configuration that is Sudbury. Why are they trying to shoe-horn in multiple locations for gun shops by reducing that setback to 250 feet, or even 100 feet? In doing so they are creating safe havens for gun shops, even if it means locating them close to rail trails used by families and children.

It is clear from Adam Burney's recent analysis, the only way to have gun shop locations is to severely reduce the setbacks by half or more, that is, from 500 feet to 250 feet or 100 feet. This raises two questions: First. What is the rationale for reducing the setbacks for some parks, but not other parks? As Mr. Burney pointed out, the rail trails are linear parks. Are linear parks less worthy of an equal setback as would apply to our other parks, such as Featherland, Haskell, and Feeley Field?

The second question relates to use: Residents will be using the rail trails for recreation and transportation every single day, as they are now, even though the trails are not officially open. Children will be using them to bike or walk to school 180 days a year, and to meet friends, go to the library, or access parks and other sections of town the rest of the year. What is the compelling reason to allow a gun shop withing 100 or 250 feet of a rail trail?

I call upon Ms. Roberts, Mr. Russo, and Mr. Carty to explain their reasoning for allowing gun shops to open within 100 feet of the rail trails, other than that it is intended to allow gun shops closer to the rail trails. If that is your position, you might want to get residents' input before proposing such a bylaw for the 2024 Annual Town Meeting.

From a legal perspective, a zoning bylaw for gun shops containing the arbitrary setback distances, provisions, and definitions being considered by three Select Board members, is more likely to be challenged in court than no bylaw at all.

At the December 19 meeting, during the gun shops discussion, Ms. Roberts stated, "I always welcome the feedback." Do you still? Or would you prefer just not to hear it from residents when it pertains to gun shops?

During the December 19 meeting Mr. Carty spoke about protecting the 'rights of gun shop owners'. If Mr. Carty was elected by gun shop proponents, I could grasp his position. But the Sudbury electorate may be more diverse, and the electorate has rights, too.

It is perplexing why Mr. Carty, Ms. Roberts, and Mr. Russo do not want a subcommittee to meet openly with residents to discuss this high-profile safety matter, or hold a forum to openly discuss citizens' concerns. It was only last week there was another school shooting, this time at Perry High School in Iowa. One sixth grader died, and 4 other students and an administrator were injured. Have we forgotten that our children are required to participate in active shooter drill in the schools?

Ladies and gentlemen of the Select Board, there is no need to rush through this, especially when the process is flawed and non-transparent.

As Mr. Burney pointed out, no gun shop has tried to open in Sudbury. It is just not commercially viable. But the proposed bylaw will draw attention and legal scrutiny to Sudbury. Be careful what you wish for. There may be unintended results, which can lead to grave consequences.

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