

Statement Read by Chair Russo for Select Board re: Article 55 at Annual Town Meeting 05.02.23.

The Select Board has voted to not support Article 55 3-2. The Select Board first discussed Article 55 with the citizen petitioner on March 21, 2023, in public meeting. At the conclusion of that discussion, an opinion was sought from Town Counsel on the article and potential modifications. The Select Board received the revised and final Town Counsel opinion today.

In the opinion, Town Counsel states uncertainty about whether or not the proposed bylaw as written would be approved by the Attorney General. Additionally, the opinion states that it is “highly likely that the zoning bylaw would be subject to constitutional challenge.” This means that Sudbury could face an expensive and high-profile lawsuit. The opinion further describes how certain MA municipalities, such as Brookline, Dedham, and Newton have succeeded in regulating sales of firearms by:

- Zoning firearms businesses in certain districts
- Creating an overlay district
- Imposing a buffer area around sensitive areas such as schools, parks, and health care
- And/or conditioning grant of a permit.

The opinion also raises concern that the lack of definitions of terms in the proposed bylaw might render it unconstitutionally vague and subject to judicial challenge.

For the reasons above, the Select Board does not support Article 55 as proposed 3-2. However, the Select Board shares the citizen petitioner’s deep concern about the high rate of gun violence in the United States and is interested in action to mitigate this crisis and increase public safety in Sudbury. Select Board members have expressed a desire to work further with the citizen petitioner and Planning Board to develop a revised bylaw through a modified approach, such as Brookline, Dedham, or Newton. Such a revised bylaw may be more likely to be approved by the Attorney General and may be more legally defensible if challenged, while still enhancing the public safety of Sudbury and beyond.