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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

June 3, 2015 Decision

City of Salem Board of Appeals

Petition of DENISE SNAPE, FAR FROM THE TREE CIDER, requesting a Special Permit per Sec. 3.0 *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, in order to allow a tasting room to an adjacent space to an existing brewery, distillery or winery with a tasting room located at 102- 108 JACKSON STREET (Map 25 Lot 390) (B-4 Zoning District).

A public hearing on the above Petition was opened on May 20, 2015 pursuant to M.G.L. Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter Copelas, Jimmy Tsitsinos, Tom Watkins and James Hacker.

The Petitioner seeks a Special Permit from the provisions of Section 3.0 *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance to allow a brewery, distillery, winery with a tasting room.

Statements of fact:

1. In the petition date-stamped March 24, 2015, the Petitioner requested a Special Permit per Section 3.0 *Table of Principal and Accessory Use Regulations* of the Salem Zoning Ordinance, in order to allow winery, brewery, distillery with a tasting room adjacent to an existing brewery, distillery, and winery with a tasting room.
2. Petitioner, Ms. Denise Snape, presented the petition.
3. The written petition proposed a tasting room only located in an adjacent space to an existing brewery, distillery or winery. The petitioner amended the petition at the public meeting to include a proposal for a brewery, distillery, winery with a tasting room. The proposed brewery, distillery, winery with a tasting room is located in a detached and distinctly separate building from the existing brewery, distillery or winery with a tasting room located at 102 Jackson Street.
4. The City of Salem Zoning Ordinance defines a *brewery, distillery, or winery* with a tasting room as a business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages with a tasting room as defined in Section 10.0. A *tasting room* is defined as a room attached to either a brewery, distillery or winery that allows patrons to sample or consume wine, beer, and other alcoholic beverages that are produced on-site in accordance with M.G.L. c. 138. A tasting room may not be greater than thirty-three (33) percent of the main building's gross square footage.
5. At the May 21, 2015 public meeting, the petitioner testified that a portion of production from the adjacent existing brewery, distillery or winery will be moved to this new proposed adjacent location and operate as a brewery, distillery or winery with a tasting room in accordance with the City of Salem Zoning Ordinance. In particular, the proposed brewery, distillery, winery production will be approximately 66% of the total square footage of the proposed location and the tasting room will be no larger than 33% of total square footage. The proposed tasting room is approximately 689.16 square feet.

6. The Zoning Enforcement Officer, Thomas St. Pierre concurred that, as presented, the petition to allow a brewery, distillery or winery with a tasting room is consistent with the Salem Zoning Ordinance.
7. The location has eight (8) on-site parking spaces.
8. The proposed hours of operation for the tasting room Sunday through Thursday, 12pm-9pm Friday through Saturday 12pm-11pm.
9. It is estimated that daily water usage and disposal will increase by approximately 150 gallons per week for washing glasses and 448 gallons per week for public bathroom use.
10. The requested relief, if granted, would allow a brewery, distillery or winery with a tasting room.
11. At the public hearing, one (1) member of the public spoke in support and no (0) members spoke in opposition to the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, makes the following **findings**:

Findings

The proposal at the public hearing is consistent with the definition of a brewery, distillery, winery with a tasting room Section 10.0 of the City of Salem Zoning Ordinance.

Findings

1. The construction of a tasting room would serve social, economic or community needs by employing artists and interior decorators for the construction of the tasting room and employing two to four (2-4) TIPS certified employees to conduct tastings. The tasting room will also improve the current tourism industry by increasing the quantity and diversity of options for those visiting the area.
2. The parking area on the premises can accommodate eight (8) on-site parking spaces.
3. The tasting room will have minimal impact on parking, traffic flow and safety.
4. The proposal has a minimal impact the environment and adequacy of utilities. It is estimated that daily water usage and disposal will increase by approximately 150 gallons per week for washing glasses and 448 gallons per week for public bathroom use.
5. The tasting room would not be substantially more detrimental that the existing nonconforming use of a scooter repair shop to the neighborhood.

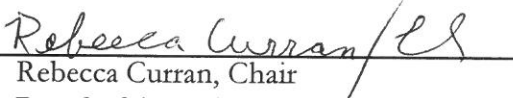
On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran (Chair), Peter Copelas, Jimmy Tsitsinos, Tom Watkins and James Hacker) and none (0) opposed, to approve the requested Special Permit to allow a brewery, distillery and winery tasting room to an adjacent space to an existing brewery, distillery or winery subject to the following (1) Special Condition and nine (9) standard **terms, conditions and safeguards**:

Special Condition:

The hours of operation shall be limited to Sunday-Thursday, 12pm-9pm and Friday to Saturday 12pm-11pm to be adhered. After six (6) months the petitioner may request an expansion of hours of operation from the Zoning Board of Appeals.

Standard:

1. Petitioner shall comply with all city and state statues, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finished of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.



Rebecca Curran, Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.