



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

TELE: 978-745-9595 FAX: 978-740-9846
2015 APR -1 P 4: 19

FILE #
April 1, 2015 CITY CLERK, SALEM, MASS.

Decision

City of Salem Board of Appeals

Petition of 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 brewery, distillery or winery and a tasting room located at 209 ESSEX STREET (Map 35 Lot 241) (B-5 Zoning District).

A public hearing on the above Petition was opened on March 18, 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: Ms. Curran (Chair), Mr. Copelas, Mr. Duffy and Mr. Tsitsinos (Alternate).

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.

Statements of fact:

1. In the petition date-stamped March 4, 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 a brewery, distillery or winery and a tasting room.
2. Denise and Al Snape, owners of Far From the Tree Cider, presented the petition.
3. The proposed winery and tasting room would occupy a total of 1,476 square feet.
4. In addition to an existing winery located at 102 Jackson Street, the winery at 209 Essex Street would be used to ferment, hand bottle and distribute small batches of product. The tasting room would provide public tours of traditional cider production, cider tasting, and retail sale of cider house related merchandise and the sale of bottles of cider for off premise consumption.
5. Nearby city parking lots will provide parking spaces for this location as allowed in accordance with the City of Salem Zoning Ordinance for this district.
6. It is estimated that daily water usage and disposal will increase by approximately 448 gallons per week for washing glasses and public bathroom use.
7. Proposed hours of operation are Monday through Sunday 12pm -12am.
8. The requested relief, if granted, would allow the Petitioner to operate a brewery, winery, distillery with a tasting room.
9. At the public hearing, seven (7) members of the public spoke in opposition to the petition. Three (3) members of the public spoke in favor of 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

1. The proposed brewery, distillery, winery and tasting room is will have a positive impact on the social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. The proposal conforms to the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Ms. Curran, Mr. Dionne, Mr. Copelas and Mr. Tsitsinos) and none (0) in opposed, to approve the requested Special permit to allow a brewery, distillery, winery and tasting room, subject to the following **conditions, terms, and safeguards**:

Standard Conditions:

1. The Petitioner shall comply with all city and state statutes, 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. A Certificate of Occupancy shall be obtained
6. A Certificate of Inspection shall be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. Hours of operation are Monday-Wednesday 4pm-8pm, Thursday 4pm-9pm, Friday 4pm-10pm Saturday- Sunday 12pm-10pm. During October the hours operation will be Monday – Thursday 12pm -9pm and Friday-Sunday 12pm-10pm
2. The front entrance is the entrance and egress to the building and the side door will be an egress for emergencies only.
3. Special Permit is limited to the current applicant, Far From the Tree Cider.

City of Salem Board of Appeals
April 1, 2015
Project: 209 Essex Street
Page 3 of 3



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.

