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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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September 30, 2022

Decision

City of Salem Board of Appeals

The petition of ADAM SHOEMAKER at 76 LAFAYETTE STREET (Map 34, Lot 417) (B5 Zoning District), for a Special Permit per Section 3.1.2 *Principal Uses* of the Salem Zoning Ordinance to allow a three (3) barrel, which is ninety-three (93) gallons, microbrewery and taproom on the first (1st) floor.

A public hearing on the above petition was opened on August 17, 2022 and continued to September 21, 2022 and was closed on September 21, 2022.

On September 21, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(Chair), Paul Viccica, Peter Copelas and Steven Smalley.

Statements of Fact:

The petition is date stamped July 7, 2022. The petitioner seeks a Special Permit per Section 3.1.2 *Principal Uses* of the Salem Zoning Ordinance to allow a three (3) barrel, which is ninety-three (93) gallons, microbrewery and taproom on the first (1st) floor.

1. 76 Lafayette Street is owned by RCG 76 Lafayette LLC C/O RGG LLC.
2. The petitioner was Adam Shoemaker.
3. The representative was attorney Bill Quinn.
4. 76 Lafayette Street is located in the B5 zoning district. (Map 34, Lot 417).
5. The requested relief, if granted, would allow the Petitioner to open a three (3) barrel, which is ninety-three (93) gallons, microbrewery and taproom on the first (1st) floor of 76 Lafayette Street.
6. On August 17, 2022, due to lack of a quorum, the petition was continued to September 21, 2022.
7. On September 21, 2022, attorney, Bill Quinn, presented to the board.
8. Attorney Quinn went over the plans for the microbrewery. In the Zoning Ordinance, a tasting room associated with the microbrewery can have no more than fifty percent (50%) be of the gross square footage. The current proposal has forty-one percent (41%) of the gross square footage for the tasting room.

9. Attorney Quinn reviewed the grounds for granting a special permit.
10. The plan for the proposed brewery is to operate at the same amount of hours as other breweries in the area.
11. The petitioners plan on using the indoor seating area and using some of the space that is shared with another business abutting the property. Attorney Quinn reminded the Board that parking is the City's responsibility in the downtown area and parking will be used either on street or in the City's garages.
12. Chair Duffy opened the meeting up to comments from the board.
13. Paul Viccica asked to review the hours of operation, how waste moves in and out of the building and how will deliveries be managed.
14. Attorney Quinn reviewed the licenses and permits for other breweries in the area. He mentioned that other breweries have hours of operation from 6 a.m. to 12 a.m. seven days a week. And public hours of operation are 12 p.m to 12 a.m. Attorney Quinn requested those same hours for the current proposal at 76 Lafayette Street.
15. Paul Viccica inquired about waste disposal. Attorney Quinn stated that the waste is a grain product that is processed at the facility. The process does create a viscous liquid from the grain shells. This waste would be barreled at the facility. Then this waste would be picked up two times (2x) a week, depending on the volume of business. Waste would be removed by a private compost company on the same day that they produce the waste.
16. In addition, the petitioners plan on using a filter for the water so that the grain matter won't go directly to the City's sewer system.
17. Chair Duffy inquired about bottling and canning at the location. The petitioners responded that their plan is to sell their beer at the taproom. They stated that once the beer is fermented it would be transferred into kegs and sold in the taproom.
18. The meeting was opened to public comment.
19. Nina Vyden, 41 Felt Street, inquired as to what types of beer would they be brewing. The petitioners responded that they would make a mix of beers. They won't be all light beers and they won't all be heavy beers. It will be a variety of beers. They stated they will be focusing on ales. However, one difference that makes their beer stand out is that they will be brewed with Asian inspired flavors.
20. Chair Duffy reviewed the criteria for a special permit.
21. Attorney Quinn inquired about the board modifying the request from three (3) barrel microbrewery to a five (5) barrel microbrewery. Attorney Quinn shared the amounts of barrels at the other breweries near the current proposal. The other breweries had ten (10) barrels and five (5) barrels respectively. The addition to the amount of barrels does not interfere or change the requirements for the taproom size.
22. The board agreed that the petitioner may increase the amount of barrels as allowed by state and local authorities.
23. Steven Smalley made a motion to approve the petition.

24. The September 21, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Steven Smalley, Mike Duffy(Chair), Paul Viccica, and Peter Copelas) and none (0) opposed to grant ADAM SHOEMAKER at 76 LAFAYETTE STREET (Map 34, Lot 417) (B5 Zoning District), a Special Permit per Section 3.1.2 *Principal Uses* of the Salem Zoning Ordinance to allow a three (3) barrel, which is ninety-three (93) gallons, microbrewery and taproom on the first (1st) floor.

Receiving four (4) in favor votes, the petition for a Special Permit is GRANTED.

Standard Conditions:

1. 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 is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimensions submitted to and approved by this Board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
9. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

Mike Duffy/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.