



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

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CITY CLERK  
SALEM, MASS

**November 1, 2017**

### Decision

### **City of Salem Board of Appeals**

Petition of AL SNAPE seeking to appeal the Building Inspector's interpretation of the Tasting Room regulations as defined in Sec. 10 of the Salem Zoning Ordinance for the property located at 108 JACKSON STREET (Map 25 Lot 390) (B-4 Zoning District).

A public hearing on the above Petition was opened on August 16, 2017 pursuant to M.G.L Ch. 40A, § 11 and was continued to the next regularly scheduled meeting on September 20, 2017 and October 18, 2017. The hearing was closed on October 18, 2017 with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate).

The petitioner is seeking to appeal the Building Inspector's interpretation of the Tasting Room regulations as defined in Sec. 10 of the Salem Zoning Ordinance.

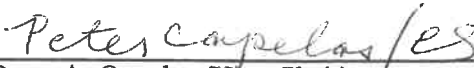
#### **Statements of fact:**

1. In the petition date-stamped July 19, 2017, the Petitioner was seeking an appeal of the Building Inspector's interpretation of the Tasting Room regulations as defined in Sec. 10 of the Salem Zoning Ordinance.
2. Al Snape, petitioner was present at the public hearing.
3. The petitioner was before the Board seeking an appeal of the Building Inspector's interpretation of a Tasting Room as defined in Sec. 10 of the Zoning Ordinance.
4. The staff planner presented the information that the City's Zoning Ordinance defines a Tasting Room as: "A room attached to 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. 183. A tasting room may not be greater than fifty (50) percent of the main building's gross square footage. A seasonal tasting area is permissible, but shall not be included in calculating the tasting room's square footage for purposes of zoning compliance; however, the square footage of a seasonal tasting area is applicable to building, plumbing and other relevant codes."
5. Far From the Tree Cider operates in two (2) separate buildings at the property of 102-108 Jackson Street. The existing tasting room has production space.
6. The petitioner requested to expand the existing tasting room by removing all production facilities in this building at the time of the application. The Building Inspector made a determination based on this information that the proposed removal of production facilities from the existing tasting room no longer meets the definition of a tasting room.
7. On August 16, 2017 the petitioner submitted a letter with clarification that the 440 square foot basement at 108 Jackson Street is licensed production space that was not part of the original square footage presented to the building inspector.

8. The petitioner is proposing to continue to utilize the existing licensed basement of the existing tasting room as a production area.
9. The building inspector determined, in light of the information provided by the applicant on August 16, 2017, that the proposal meets the definition of a tasting room as defined by the Salem Zoning Ordinance.
10. On August 16, 2017, the petitioner did not present any testimony and requested a continuation of the public hearing until September 20, 2017 to wait for the issuance of a building permit.
11. At the September 20, 2017 meeting, the petitioner did not present any testimony and requested a continuation of the public hearing until October 18, 2017.
12. On October 18, 2017, the petitioner requested to withdraw the application without prejudice.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate) and none (o) opposed, to allow the petitioner to withdraw the application without prejudice.

The application is withdrawn without prejudice.

  
Peter A. Copelas (Vice-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.*