

APRIL 21, 2016

**JOINT PUBLIC HEARING
OF THE CITY COUNCIL AND PLANNING BOARD**

A Joint Public Hearing of the City Council and Planning Board was held in the Council Chamber on Thursday, April 21, 2016 at 6:00 P.M. for the purpose of discussing taking up an amendment Zoning Ordinance relative to Section 10.0, Definition of a Tasting Room by deleting a *"Tasting Room may not be greater than thirty-three (33) percent of the main building's gross square footage"* and replace with *"A tasting room may not be greater than fifty (50) percent of the main building's gross square footage. A seasonal tasting area, e.g. patio or deck shall not be included in calculating the tasting room's square footage"*

Notice of this meeting was posted on April 5, 2016 at 11:03 A.M. and advertised in the Salem News on April 7, 2016 & April 14, 2016 for the purpose of zoning compliance.

Councillor Ryan was recorded as absent.

President Josh H. Turiel presided.

President Turiel introduced the members of the Planning Board: William Griset, Carole Hamilton, Noah Koretz, Antonio Mataragas, Kirt Rieder, Helen Sides, Matt Venno, and Dale Yale. Also in attendance was City Planner Lynn Duncan, Mayor Kimberley Driscoll and City Solicitor Beth Rennard.

APPEARING:

City Planner Lynn Duncan stated the amendment is the definition to allow flexibility for a brewery/ tasting room. This change is necessary to increase the size of the footage. The building inspector concluded that the patio or deck percentage for a seasonal area won't count, so 50% is for the main building only.

Councillor Famico stated this falls under the building inspector, can you explain what plumbing applies to codes.

City Planner stated seating even seasonal is counted, so for the purpose of zoning is the reason we are doing this.

Councillor Famico – There are new fire codes, is this an overlap?

Mayor Driscoll – this will blend in with the code. They can come in before applying for permits, they can check with the Fire Dept. and Building Inspector.

Councillor Famico – stated she supports outside seating

Councillor McCarthy – as a builder the percentage triggers additional compliance issues if you increase footage and seating.

Councillor Dibble – stated he is in favor. Is there a need to limit the size of the outdoor seating?

City Planner – the size of outdoor seating is not included in this. It's the function of site plan review and in meeting necessary building codes.

Councillor Dibble – so your opinion is we don't need to discuss square footage?

City Planner – responded no.

Councillor Dibble – stated it is a gray area

Solicitor Rennard – We don't have regulations for outdoor seating. When the legislature passed to have brewers they allowed for them, but not how to fit them in communities. Allowance for tasting area, this ordinance allows to pour and brew, it wasn't intended to create a bar room just a tasting room.

Councillor Dibble – you could have a lot of people outside of the building

Mayor Driscoll – I think we should have some control, are you concerned about size? They are still liable to the Licensing Board

Solicitor Rennard – the floor plan goes to the ABCC

Councillor Dibble – still thinks this is a gray area

Mayor Driscoll – If it turns out to be a problem the license can be revoked.

Councillor Dibble – asked does the ABCC count outdoor seating?

Mayor – responded yes

Councillor Famico – some breweries use port-a-potties outside to accommodate

Solicitor – Port-a-potties can only be for special events

Planning Board member – seasonal can it be inside?

City Planner – stated no only outdoors

Planning Board member – so footage is not the number of chairs?

Planner – it applies to the Building Commissioner

Councillor Eppley – like to make a friendly amendment “and” exterior seasonal tasting area

Coucillor McCarthy – asked to open the meeting up to the public

PUBLIC COMMENT

APPEARING IN FAVOR WERE THE FOLLOWING:

Chris Loring, 19 Carlton Street – 32% to 50% affects the operation. You rely on the retail area. The percentage is self-regulating. No scenario is 10% production 90% retail. Our wholesale is considered *Farmer brewing* so retail is necessary. It allows you to have a healthy business. We have been to the SRA, ZBA etc. but there is a gray area for outdoor seating/seasonal. It’s good to have clarity. When you have a business and manufacturing industry downtown the business stays downtown. Because we don’t serve food we are not trying to be a bar, we are a manufacturer. Hope we can get passed this.

Deana Braganca, 38 English Street – Thank you for allowing brewers and tasting rooms. We are a farmer brewer for cider from apples. We knew we wanted an outdoor patio. We hope that the Zoning Ordinance is amended to allow the 50%. This will help our business. We employ 18 people at “Far from the Tree”.

Rinus Oosthoek – he supports breweries, distilleries, cideries the whole hospitality of the restaurants are very much in support. Please support this zoning.

Paul _____, 25 Ryle Ave. Beverly – Own a brewery in Beverly 59 Park IGCC Industrial Central Commercial we have no issue with the zoning there is no percentage for tap room. If there was a limit, I wouldn’t have a business.

Matt Venio Planning Board - What was the rational behind the number?

Solicitor – when it first came about we looked at models around the country. As time has gone by the business is evolving and it’s limiting (for the building Inspector) this number was picked to be fair.

Planner – We are trying to make it more equal. You can make change needed to fit the four corners of the article. We thought 50% was reasonable.

Planning Board member – So you would have to re-advertise but you want to get it right.

Councillor Turiel – I'm trying to get what the needs are. And clarify the issue of outdoor space.

Councillor Famico – If this were to be re-advertised do we need a new public hearing?

Planner – yes, advertise and new hearing

Councillor Turiel – Use what we have and change it in the future if need be. It's not fair to businesses.

Councillor Eppley – there should be a limitation. The speakers made it sound like 50% is doable.

Councillor Dibble – stated he is in favor to support them, but would like to hear from the businesses if 50% works with their business model.

Far from the Tree owner – doesn't give us much but it's the seasonal I'm more interested in.

Councillor Eppley – is there a law if we pass this, isn't there a variance that goes before the Board of Appeal.

Councillor Gerard – for a variance wouldn't they need to be a hardship?

Mayor – three breweries this ordinance was designed to attract. This was worked on with a lot of input.

APPEARING IN OPPOSITION: NONE

Councillor McCarthy moved that the hearing be closed. It was so voted.

Councillor McCarthy moved that the matter be referred to the planning board for their recommendation. It was seconded by Councillor Eppley. It was so voted.

On the motion of Councillor Furey the hearing was adjourned at 6:58 P.M.

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK