



## CITY OF MELROSE

## PLANNING BOARD

GREGORY SAMPSON

*Chair*

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Melrose, Massachusetts 02176

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August 28, 2023

The Honorable City Council  
of the City of Melrose, Massachusetts

RE: Report to City Council on the Proposed Brewery Zoning Amendment

To the Members of the Council:

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5, the City Council and Planning Board held a joint public hearing on the above-reference zoning amendment on August 14, 2023. The proposed amendment was initiated by the Planning Board to allow for the brewery use in the Melrose. City Councilors had questions and comments regarding the proposed amendment, which were discussed at the public hearing. No one from the public appeared to comment at the public hearing. We received two written comments that are part of the record.

The Planning Board discussed the comments and questions raised regarding the proposed zoning amendment at our meeting on August 28, 2023, to make a recommendation to you. Based on the discussion we are not recommending any changes to the amendment as presented. We did want to correct a minor typo in a section number cited in the proposed amendment. Please proceed with the attached amendment dated August 28, 2023 which includes the correct section number.

Below is an overview of, and additional information regarding, the items that were brought up during the hearing and in written comments.

### *Anticipated revenues*

A brewery will be a new business use in Melrose, so it is difficult to determine the anticipated revenues to the City until after the first year of operation. However, revenue from a meals tax, personal property tax levied on commercial enterprises, and annual permitting and licensing fees, can be expected.

### *Impact on the Health and Human Services Department and the Police Department*

The City's Director of Economic Recovery and Business Development consulted with a regional group of Economic Development Directors about what, if any, health or safety impacts have been felt in communities with breweries. To date, none of the other Directors are aware of an increased burden from breweries on their Health or Police

Departments. The City has a Substance Abuse Coordinator who identifies, addresses, and implements strategies to reduce substance abuse in the community. If substance abuse concerns arise related to breweries, the City would act in partnership with the business to address issues.

#### *Proximity to Schools*

There was concern about breweries being located close to schools and playgrounds. MGL Chapter 138 Section 16C includes a regulation for review of licenses near schools and churches. If a brewery would like to locate within a radius of 500 feet of one of these establishments, the Melrose Liquor Licensing Commission must determine through a public hearing that the premises are not detrimental to the educational and spiritual activities of the school or church.

#### *Food Truck Permits*

A business with a food truck is required to obtain a food establishment permit from the Melrose Board of Health and a Right of Way Occupancy Permit from the DPW. According to the Health and Human Services Director, rats and food waste related issues have not been a problem with food trucks.

#### *Operation Size*

A brewery would likely occupy an existing commercial space and would need to design their business to fit within the confines of the building. Breweries allowed in business districts would not be allowed to distribute their product and therefore would be limited in production to the amount that their customers could consume onsite. While new construction is unlikely, if a new building was constructed for a brewery, it would need to comply with zoning district dimensional regulations.

#### *Odor*

While odor mitigation is not required as a part of the federal and state permitting process, installing a vent stack that disperses air through the roof is considered a best practice. Many brewing tanks also have added filters that help thoroughly disperse odors before they are released through the vent stack. When issuing a permit, the Liquor Licensing Commission can request that these measures are put in place.

#### *Hours of Operation*

The hours of operation for a brewery establishment will be controlled through the Farmers Brewing Pouring Permit. The Liquor Licensing Commission is in the process of drafting the permit regulations and will be responsible for issuing future permits.

#### *Permitted Locations*

Two zoning maps have been created that show the districts where breweries with distribution and breweries without distribution could locate either by-right or by special permit with this amendment. Both maps are included as attachments to this letter.

The primary purpose of breweries without distribution is to produce and serve beer, to be consumed on premise, that would provide an amenity to the community and contribute to

our mixed-use areas. These establishments would be allowed by-right in the business districts of the city where the goal is to have a vibrant blend of retail, commercial and residential uses with easy access to public transportation and pedestrian and bicycle friendly streets. Restaurants that currently serve alcohol are allowed in these districts and the impacts to nearby residents will be similar. Breweries without distribution would also be allowed in the industrial districts; however, since they will mainly be serving the public rather than operating like a typical industrial use, the amendment does not confine them to these districts.

Breweries with distribution will be required to apply for a special permit in the higher intensity business districts, which will enable the Planning Board to review a proposal's potential impacts and make a decision based on the proposed location. In the industrial districts, breweries with distribution are proposed to be allowed by-right as this type of use fits within the goals of the district and businesses would have access to regional routes and highways. Wholesale distribution and retail food establishments that sell liquor are both permitted uses, and it is believed that a brewery in this district would have negligible impacts on surrounding residents.

To summarize, the Planning Board does not recommend making any changes to the proposed zoning amendment originally submitted and reviewed during the public hearing. The Planning Board finds that the proposed zoning includes the specifications for the types of breweries that would be desirable in Melrose in locations and with parking regulations that are appropriate. The Planning Board respectfully recommends that the City Council vote in favor of adopting the proposed zoning amendment as submitted and dated August 28, 2023.

If you have any further questions, or we can provide any additional information, please do not hesitate to contact us. We would be pleased to make ourselves available to you as you continue to deliberate on this issue.

Respectfully yours,

Handwritten signature of Gregory Sampson in cursive script, with the initials "LM" written below the signature.

Gregory Sampson  
Planning Board Chair

Attachment: Proposed Zoning Amendment dated August 28, 2023  
Zoning maps with brewery locations noted

cc: Mark Rumley, Acting City Solicitor  
Rita Mercado, Chairwoman, Board of Appeals  
Albert Talarico, Building Commissioner  
Denise Gaffey, OPCD Director & City Planner  
Members of the Planning Board

## Brewery

**Amend Chapter 235, ARTICLE II Word Usage and Definitions, SECTION 235-5, Definitions as follows.**

*Text that is removed is ~~crossed-out~~ and additions are underlined.*

**BREWERY**- An establishment whose principal use is to produce and serve beer, ale or other malt beverages to be consumed on the premises. Seating may be located within an enclosed building and outdoors. All production and storage activities are to be conducted within an enclosed building. The establishment shall only sell alcoholic beverages produced by the establishment or produced for the brewery and sold under the brewery brand name. The establishment may sell food and non-alcoholic beverages that are produced on-site, produced off-site, or produced with food trucks that are located on-site. Allowed accessory uses include: retail sales of the product to customers for consumption off-premises and commercial goods branded by the establishment, distribution of the product for off-premises sales as is allowed in the Use Table and state law, and/or tours of the production facility. The facility shall hold the appropriate Commonwealth of Massachusetts licensure as well as any required pouring permit approved by the local licensing authority.

**Amend Table of Use and Parking Regulations, SECTION 235 attachment 1, as follows.**

*Text that is removed is ~~crossed-out~~ and additions are underlined.*

Principal Use	Res Districts						Bus Districts					Ind Districts		Parking Code
	SR	SRA	SRB	URA	URB	URC URD	BA BA-1	BA-2	BB BB-1	BC	BD	I	I-A	
<b>Retail Service Commercial</b>														
3. Eating and drinking places where consumption is primarily intended to be within the building	-	-	-	-	-	-	P	P	P	S	S	-	-	D
<u>3.1 Brewery without distribution</u>	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>D</u>
<b>Wholesale, Transportation and Industrial</b>														
<u>15. Brewery with distribution</u>	-	-	-	-	-	-	-	-	<u>S</u>	-	-	<u>P</u>	<u>P</u>	<u>D</u>

**Amend Chapter 235, ARTICLE XI Special Permits and Conditions, SECTION 235-71.1.D.1, Smart Growth District, as follows.**

*Text that is removed is ~~crossed-out~~ and additions are underlined.*

§235-71.1.D.1: Permitted Uses

(i)- Brewery without distribution

**Amend Chapter 235, ARTICLE XI Special Permits and Conditions, SECTION 235-71.2.D.1, Rail Corridor Overlay District, as follows.**

*Text that is removed is ~~crossed-out~~ and additions are underlined.*

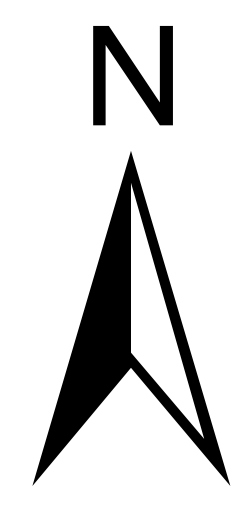
§235-71.2.D.1: Permitted Uses

(i)- Brewery without distribution

# City of Melrose



## Proposed Districts for Brewery Use Without Distribution



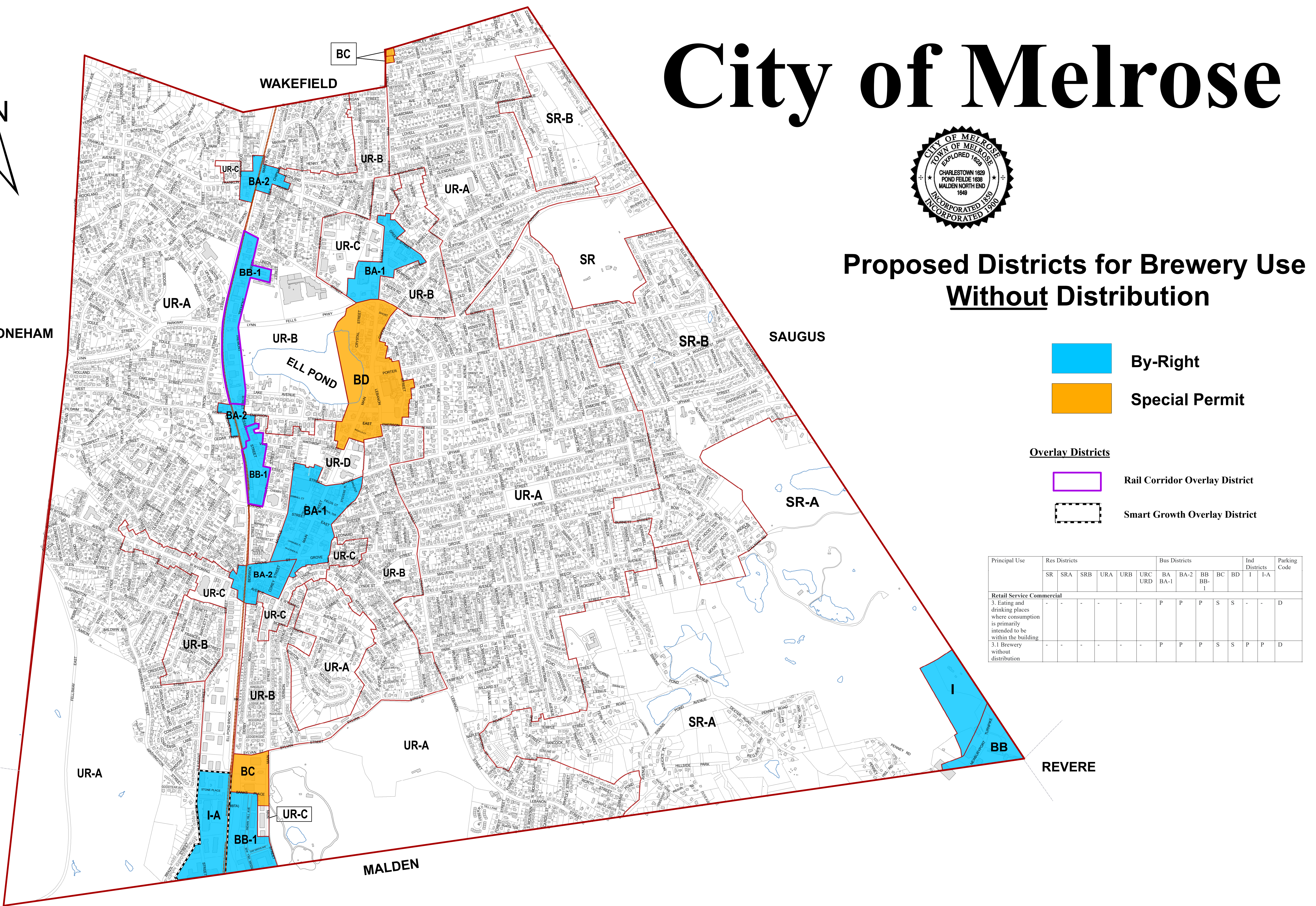
STONEHAM

SAUGUS

- By-Right
- Special Permit

**Overlay Districts**

- Rail Corridor Overlay District
- Smart Growth Overlay District



Principal Use	Res Districts						Bus Districts				Ind Districts		Parking Code		
	SR	SRA	SRB	URA	URB	URC	URD	BA-1	BA-2	BB-1	BC	BD		I	I-A
<b>Retail Service Commercial</b>															
3. Eating and drinking places where consumption is primarily intended to be within the building	-	-	-	-	-	-	-	P	P	P	S	S	-	-	D
3.1 Brewery without distribution	-	-	-	-	-	-	-	P	P	P	S	S	P	P	D

MEDFORD

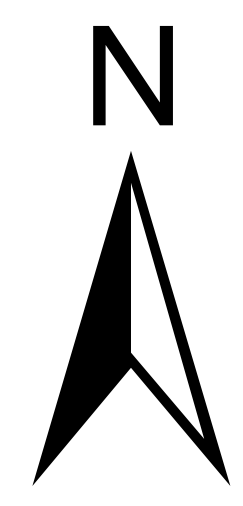
MALDEN

REVERE

# City of Melrose



## Proposed Districts for Brewery Use With Distribution



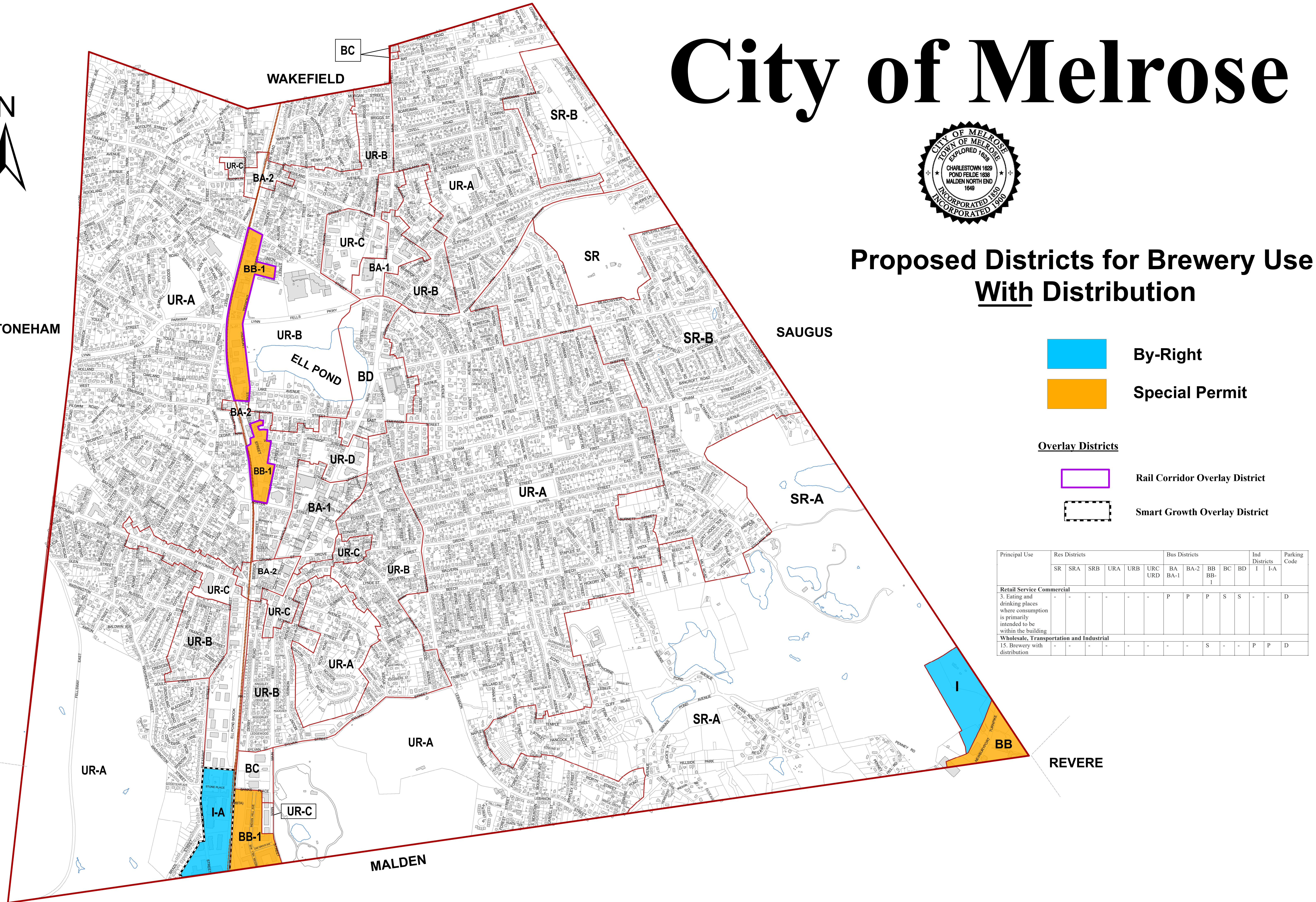
STONEHAM

SAUGUS

- By-Right
- Special Permit

**Overlay Districts**

- Rail Corridor Overlay District
- Smart Growth Overlay District



Principal Use	Res Districts						Bus Districts				Ind Districts		Parking Code	
	SR	SRA	SRB	URA	URB	URC	BA-1	BA-2	BB-1	BC	BD	I		I-A
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MEDFORD

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