



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 636 Mystic Avenue
CASE NUMBER: P&Z 20-025
OWNER: Michael Patterson
OWNER ADDRESS: 636 Mystic Avenue, Somerville, MA 02145
DECISION: Approved with Conditions
DECISION DATE: February 2, 2022

2022 FEB - 8 P 4 08
CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 636 Mystic Avenue.

LEGAL NOTICE

Michael Patterson seeks to establish an Artisanal Production Use in the Neighborhood Residence District, which requires a Special Permit.

RECORD OF PROCEEDINGS

On February 2, 2022, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Alternate Clerk Katherine Garavaglia, Anne Brockelman, and Ann Fullerton.

Following a brief overview of the proposal by the Applicant, the Board opened the hearing to take public testimony. The Board discussed concerns with the intensity of production activity related to the permit, and with potential issues that could arise given the hours of operation permitted by the Somerville Zoning Ordinance for this type of permit.

SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that, by supporting the rise and growth of a home-based local business, the proposal will help "[p]rotect and promote a diverse, interesting mix of small-scale businesses in Somerville's neighborhoods," a key goal identified in SomerVision 2040, the comprehensive plan for the City of Somerville.

2. The intent of the zoning district where the property is located.

The Board finds that the proposal is consistent with the intent and purpose of the Neighborhood Residence district, which are, in part, “[t]o conserve already established areas of detached and semi-detached residential buildings,” and, “[t]o permit the adaptive reuse of certain existing buildings for arts & creative enterprise and retail uses compatible with residential areas.”

3. Appreciable methods to mitigate noise for abutting residential properties.

The Board finds that production processes and methods associated with this use are not expected to generate appreciable noise that could be detected from abutting residential properties.

4. Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.

The Board finds that the production process associated with this use is not expected to produce significant refuse, and that the Applicant’s plans for storing and disposing of the small amount of waste which will be produced are sufficient.

5. The limitation of visitors and ancillary retail sales to between the hours of 7:00am to 9:00pm.

The Board finds that there will be no on-site retail sales at this location, and no visitors expected beyond those associated with the property’s currently established residential use.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Katherine Garavaglia moved to approve the Special Permit to establish an **Artisanal Production Use** in the Neighborhood Residence District. Anne Brockelman seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for additional review with the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.
2. Approval is limited to Michael Patterson and Emily Vides on behalf of Small Change Brewing and is not transferrable to any successor in interest.

3. Production activity shall be limited to no more than fifteen (15) gallons at a time, up to the maximum permitted by applicable state and federal regulations.
4. On site retail sales are prohibited.

Prior to Building Permit

5. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
6. Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Katherine Garavaglia, *Acting Clerk*
Anne Brockelman
Ann Fullerton

Sarah Lewis, Director of Planning, Preservation, and Zoning
Office of Strategic Planning & Community Development

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ **there have been no appeals filed in the Office of the City Clerk, or**
_____ **there has been an appeal filed.**

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____