



City of Somerville

ZONING BOARD OF APPEALS

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

TO: Zoning Board of Appeals
FROM: Planning, Preservation & Zoning Staff
SUBJECT: 636 Mystic Avenue, P&Z 20-025
POSTED: January 18, 2022

RECOMMENDATION: Approve with Conditions

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 636 Mystic Avenue, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on January 13, 2022, and is scheduled for a public hearing on February 2, 2022. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

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

SUMMARY OF PROPOSAL

Michael Patterson is proposing to establish an Artisanal Production Use in the Neighborhood Residence District. The proposed use will be located within an existing residential structure.

ADDITIONAL REVIEW NECESSARY

636 Mystic Avenue is located in the Neighborhood Residence zoning district represented by Ward 4 Councilor Jesse Clingan. The Zoning Board of Appeals is the decision-making authority for all (non-variance) discretionary or administrative permits required for the Neighborhood Residence zoning district.

NEIGHBORHOOD MEETINGS

A neighborhood meeting was hosted by Ward 4 Councilor Jesse Clingan and the applicant on November 9, 2021, via the Zoom meeting platform.

BACKGROUND

The Applicant and his wife, Emily Vides, are owners and operators of the Small Change Brewing Company, producing small batch and seasonal beers for retail purchase. For approximately a decade, prior to the establishment of the company, the Applicant has been producing beer in small batches in their home for personal consumption. With the establishment of their business, they are now seeking to apply for approval from the Commonwealth of Massachusetts Alcoholic Beverages Control Commission to continue this activity for the purposes of developing new products. The Applicant does not otherwise produce any beverages for public consumption on site and has no current plans to significantly increase manufacturing activity on site; all production at scale is conducted at other locations. There are no on-site retail or consumption uses proposed along with this request.

ANALYSIS

Staff have not heard any concerns from the neighborhood regarding this proposal, while multiple neighbors have submitted emails of support. Ward 4 Councilor Jesse Clingan has reported that he had also received comments in support of the application, and also that he was not aware of any concerns within the neighborhood for the activity currently underway on the site. Staff finds it notable that the type and level of production activity proposed for this use has been underway for approximately ten years without attracting complaints, concerns, or even awareness from abutters and other neighbors, and expects that the change proposed will not produce additional impacts to be mitigated.

CONSIDERATIONS & FINDINGS

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration but may make additional findings beyond this minimum statutory requirement.

Special Permit Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. Appreciable methods to mitigate noise for abutting residential properties.
4. Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.
5. The limitation of visitors and ancillary retail sales to between the hours of 7:00am to 9:00pm.

Information relative to the required considerations is provided below:

Artisanal Production Use Special Permit Considerations

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

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 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 production processes and methods proposed for this use do not generate appreciable noise that could be detected from abutting residential properties. This production activity has been ongoing at this location for personal consumption for a number of years and has not, to date, given rise to concerns or complaints regarding noise. All larger-scale general production for this business is conducted at another location.

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

The production process associated with this use does not produce significant refuse, and the Applicant has developed a plan for recycling the small amount of waste produced in a timely and sanitary manner. Again, it is helpful to note that the production activity associated with the type and scale of the use proposed has been ongoing at this location for a number of years without attracting concerns or complaints regarding refuse.

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

There are no retail sales proposed for this location, and no visitors expected beyond those associated with the property’s currently established residential use.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish an Artisanal Production use, Planning, Preservation & Zoning Staff recommends the following conditions:

Validity

- 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.
- Approval is limited to Michael Patterson and Emily Vides on behalf of Small Change Brewing and is not transferrable to any successor in interest.

Public Record

- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
- 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 and ZBA Submittal Requirements.