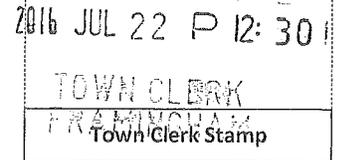


Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



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Planning Board Members

Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator
Raphaela Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Application of Matthew Steinberg
for the Property located at
81 Morton Street, Framingham, MA**

On June 27, 2016, Matthew Steinberg, the Applicant filed with the Planning Board and on June 27, 2016, the Planning Board filed with the Town Clerk, the Application for a Special Permit for Use: Brewery, Distillery, or Winery with Tasting Room (Section II.B.6.O and VI.E). The property is located at 81 Morton Street, zoned as General Manufacturing (M), and the Framingham Assessor's Parcel ID is 129-26-7631-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on June 30, 2016 and June 7, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on July 14, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. A continued public hearing was held on July 21, 2016.

On July 21, 2016 the Planning Board **APPROVED** the applications a special permit for use as a Brewery, Distillery, or Winery with Tasting Room (Section II.B.6.O and VI.E) with conditions for the property located at 81 Morton Street a **DECISION** was filed in the office of the Town Clerk on July 22, 2016.

Christine Long, Chair

FRAMINGHAM PLANNING BOARD

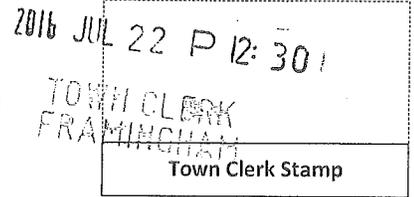
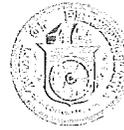
Any appeal from the Decision shall be made pursuant to M.G.L. c. 40A, Section 17 and must be filed within twenty days after the date of filing of the Decision in the office of the Town Clerk.

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Raphaela Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Application of Matthew Steinberg
for the Property located at
81 Morton Street, Framingham, MA**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that the application of Matthew Steinberg for a Special Permit for Use: Brewery, Distillery, or Winery with Tasting Room (Section II.B.6.O and VI.E) for the property located at 81 Morton Street was APPROVED with conditions by the Planning Board on July 21, 2016 and the decision was filed in the Office of the Town Clerk on July 22, 2016. The opening public hearing was held on July 14, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on June 30, 2016 and July 7, 2016. A continued public hearing was held on July 21, 2016. For additional information please see the Planning Board's webpage at www.framinghamma.gov.

Christine Long, Chair
FRAMINGHAM PLANNING BOARD

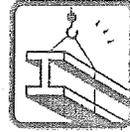
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Framingham Planning Board

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Planning Board Members:
Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED AT 81 MORTON STREET**

DECISION DATED JULY 21, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)

FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-019-16
Property Address: 81 Morton Street
Assessor's Information: 129-26-7631-000
Zoning District: General Manufacturing (M)

Application Information

Application(s): Special Permit for Use
Sections of the Framingham Zoning By-Law under review: Special Permit for Use, Section II.B and VI.E
Date application(s) were filed with the Planning Board: June 27, 2016
Date application(s) were filed with the Town Clerk: June 27, 2016

General Project Contact Information

Applicant Name: Matthew Steinberg
Applicant Address: 29 South High Street, Bondsville, MA 01009
Landowner Name: Wayne Hansen
Landowner Address: 64 Waverly Street, Framingham, MA
Project Contact Name: Applicant is the Project Contact
Engineer Company: Plans were prepared by MacCarthy & Sullivan Engineering, Inc., Natick, Massachusetts

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) June 30, 2016 and (7 days prior) June 7, 2016
Date of abutter/7 Abutting municipalities/parties of interest mailing: June 28, 2016
Date of opening public hearing: July 14, 2016
Date(s) of continued public hearings: July 21, 2016
Applicant's Representatives in attendance at the Public Hearing(s): Matthew Steinberg, Exhibit A Brewery
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti (absent on July 21, 2016)

Technical Review Team Meeting

On July 7, 2016, the Technical Review Team (TRT) reviewed the project at 81 Morton Street. Minutes from the TRT meeting were taken for this meeting and placed in the file.

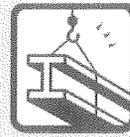
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TOWN CLERK
FRAMINGHAM

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Planning Board Members:
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Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED AT 81 MORTON STREET**

DECISION DATED JULY 21, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)

FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-019-16

Property Address: 81 Morton Street

Assessor's Information: 129-26-7631-000

Zoning District: General Manufacturing (M)

Application Information

Application(s): Special Permit for Use

Sections of the Framingham Zoning By-Law under review: Special Permit for Use, Section II.B and VI.E

Date application(s) were filed with the Planning Board: June 27, 2016

Date application(s) were filed with the Town Clerk: June 27, 2016

General Project Contact Information

Applicant Name: Matthew Steinberg

Applicant Address: 29 South High Street, Bondsville, MA 01009

Landowner Name: Wayne Hansen

Landowner Address: 64 Waverly Street, Framingham, MA

Project Contact Name: Applicant is the Project Contact

Engineer Company: Plans were prepared by MacCarthy & Sullivan Engineering, Inc., Natick, Massachusetts

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Date of opening public hearing: July 14, 2016

Date(s) of continued public hearings: July 21, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Matthew Steinberg, Exhibit A Brewery

Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten,

Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti (absent on July 21, 2016)

Technical Review Team Meeting

On July 7, 2016, the Technical Review Team (TRT) reviewed the project at 81 Morton Street. Minutes from the TRT meeting were taken for this meeting and placed in the file.

Technical Review Team Members Present: Fred Bray, Assistant Building Commissioner, Mark Dempsey, ISD Access, Building Department, Officer Keith Strange, Police Department, Marianne Iarossi, Community & Economic Planning & Development – Senior Planner, Michael Correa, Assistant Town Assessor, Amanda Loomis, Planning Board Administrator, Raphaela Morais-Peroba, Planning Board Communications Outreach Coordinator, Joseph A. Mazzola, Fire Department, Kim Burlingame, Assistant Conservation Commission Administrator, and Eric Johnson, Department of Public Works, Town Engineer

Planning Board Approval Information

Date of Plan reviewed by the Planning Board: As-built Plan dated December 31, 1986 (Special Permit for Use).

PROJECT DESCRIPTION

The Project at 81 Morton Street, proposed to use the existing building (formerly Jacks Abby Brewery) as a brewery, beer manufacturing, tasting room, and retail store. The proposed reuse of the building is consistent with the previous use of the building, which ceased operations in 2015. The Applicant proposes to make no exterior changes to the building.

HEARING

The Framingham Planning Board held a total of two public hearings (July 14, 2016 and July 21, 2016) during the review of the Project located at 81 Morton Street. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti (absent on July 21, 2016). During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Matthew Steinberg, Exhibit A Brewery

Summary of Meeting Minutes

Christine Long, Chair, read the legal ad into the record.

Mr. Steinberg provided a narrative of the proposed project, noting that the project will be using the former Jack Abby's location at 81 Morton Street. Mr. Steinberg provided a brief description of his business.

The Planning Board members made the following comments:

- Lewis Colten questioned if Jack's Abby had any comments and/or reservations with a new brewery being located down the street. Mr. Steinberg noted that he has been in communications with the owners of Jack's Abby Brewery and that they showed support for Exhibit A Brewery. Mr. Colten inquired about the traffic relative to the Brewery and potential parking issues that could arise. Mr. Steinberg stated that per the Building Department, the project meets the requirement for the required number of parking spaces.
- Thomas Mahoney questioned if it would be possible to relocate the two handicap parking spaces closer to the public entrance.
- Victor Ortiz questioned the Applicant about the handicap parking spaces located in the rear of the building. Mr. Ortiz stated his concern regarding the distance a person in a wheel chair would have to travel to enter the building. Mr. Ortiz further stated that the proposed handicap parking spaces

were in compliance with the handicap accessible parking requirements but urged the Applicant to explore other options closer to the entrance.

- Ms. Long questioned if any modifications were proposed to the façade of the building. Mr. Steinberg stated no changes were being made to the exterior of building.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

FINDINGS

Having reviewed the application, plans, and reports filed by the Applicant and its representatives, having considered the correspondence from the Conservation Commission, the Police Department, the Fire Department, and the Department of Public Works within the Town of Framingham, having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections II.B. and VI.E of the Framingham Zoning By-Law. Specifically, the Planning Board makes the following findings:

1. Section II.B, Table of Use

- 1.1 The Applicant has applied for a Special Permit for Use, pursuant to Section II.B.6.O. Brewery, Distillery, or Winery with Tasting Room.
- 1.2 The Applicant has requested a special permit for a Brewery, Distillery, or Winery with Tasting Room which is required from the Planning Board.
- 1.3 The Property located 81 Morton Street was formerly Jack's Abby Brewing.
- 1.4 The Applicant proposes the same use of the building, which includes: brewery, beer manufacturing, a tasting room, and retail store.
- 1.5 The Applicant's use is consistent with the previous tenant's use of the building.
- 1.6 The tasting room does not exceed 25 percent of the building's gross square footage and is accessory to the primary use, which is the brewing of beer.
- 1.7 The facility proposes to sell only beverages produced by, and commercial goods branded by Exhibit A Brewery.
- 1.8 The facility proposes to sell products for consumer consumption off-site of the brewery premises.

2. Section VI.E, Special Permit

- 2.1 The Applicant's use of the building is consistent with the previous tenant's (Jack's Abby Brewing) use.
- 2.2 The proposed use requires a total of 30 parking spaces. The Applicant's is providing a total of 30 parking spaces in the rear of the building.
- 2.3 The Applicant is providing two handicap accessible parking spaces in the rear of the property. The handicap parking spaces are located 94.4' from the main entrance, which is less than 100'

from the main public entrance and complies with the requirements set forth in 521 CMR Section 23 for Parking and Passenger Loading Zones.

- 2.3 The building has area for one loading bay which is the required number for the use.
- 2.4 The area of the building that is along Morton Street was previously used as off-street parking by the former tenant of the property. The Applicant does not propose to count the off-street parking spaces between the building and Morton Street. The off-street parking spaces are split by the lot line which results in half of the parking spaces being located on the 81 Morton Street property and the other half of the parking spaces being located within the public right of way.
- 2.5 The Applicant shall install three bicycle racks on-site that will accommodate a total of six bicycles. Such location shall be installed in compliance with Section IV.B.7.c. Design Criteria for Bicycle Parking Spaces.
- 2.6 The Applicant has provided an "As-Built" plan prepared by MacCarthy & Sullivan Engineering, dated December 31, 1986 depicting the site plans. The building was in compliance with the February 1986 Zoning By-Law when first granted a permit. Under Section IV.G.2. Table of Dimensional Regulations, properties within the General Manufacturing Zone required 6000sf lots, no lot frontage, a 30' front minimum setback, no side/rear setback, 5 percent minimum landscaped open space, and a floor area ration (FAR) of 0.5. Since 1986, the dimensional regulations have changed thus causing the building to now be a pre-existing, non-conforming structure by today's Dimensional Requirements.
- 2.7 On February 1, 2016 – the Exhibit A Brewery took over 81 Morton Street from Jacks Abby Brewery
- 2.8 The use and/or structure as developed will not create a hazard to abutters, vehicles, and/or pedestrians.
- 2.9 Any working within the wetlands and/or wetland buffers shall require the Applicant to work with the Conservation Commission for proper review of the wetland and environmental impacts within these areas.
- 2.10 The Applicant shall install a fire alarm system in accordance with 780CMR, 527 CMR, NFPA 72-2010, NFPA 13D, and the Framingham Fire Department Alarm Standard.
- 2.11 In accordance with General Manufacturing (M) Zoning District, Section II.A.5.b, the use is consistent with the intent of the M Zoning District. The use has the potential to enhance employment and promote economic vitality within the M Zoning District and the immediate neighborhood.
- 2.12 Exhibit A Brewery proposes to create six full time and six part-time jobs.
- 2.13 No comments were made by the Applicant and/or the Department of Public Works regarding the municipal infrastructure capacity.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's By-Laws that include Special Permit for Use (Section II.B and VI.E) pursuant to the Framingham Zoning By-Laws. Said approval from the Planning Board is subject to the following conditions:

General Provisions

1. A copy of this Decision shall be kept on the Property.
2. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 40A, Section 17. The Applicant will submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of the approval herein shall render this Decision null and void.
3. This approval for a Special Permit for Use shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
4. The failure to comply with the Framingham Zoning By-Laws, Framingham General By-Laws, and/or the terms of this Decision may result in revocation of the Special Permit for Use issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the Framingham Zoning By-Law Law and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.

Snow Storage and Bicycle Parking

5. Snow storage shall not obstruct sight lines to preserve public safety and the Applicant must remove excess snow from the site as may be necessary within forty-eight hours after the snow fall ends in order to preserve public safety.

Special Provisions/Periodic Conformance Reporting and Review

6. The Applicant agrees to install three bicycle racks that provide parking for six bicycles. The bicycle racks shall be installed in accordance with Section IV.B.7.c of the Framingham Zoning By-Law.
7. Any working within the wetlands and/or wetland buffers shall require the Applicant to work with the Conservation Commission for proper review of the wetland and environmental impacts within these areas.

VOTES

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting of approval for a special permit for use as a Brewery, Distillery, or Winery with Tasting Room (Section II.B.6.O and VI.E) to allow the existing building to be used as a brewery, beer manufacturer, tasting room, and retail store for the property located at 81 Morton Street, zoned General Manufacturing (M).

Section II.B.6.O and VI.E: Special Permit for Use - Brewery, Distillery, or Winery with Tasting Room

- Christine Long.....yes
- Lewis Colten.....yes
- Victor Ortiz.....yes
- Thomas Mahoney.....yes

By: _____
Christine Long, Chair, Framingham Planning Board

Date of Signature: July 21, 2016

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form A – Application Cover Letter, Property Address: 81 Morton Street, stamped by the Town Clerk on June 27, 2016.
2. Form L – Special Permit Application, Property Address: 81 Morton Street, stamped by the Town Clerk on June 27, 2016.
3. As-built Plan of Land in Mass., prepared for Wayne L. Hansen, 64 Waverly Street, Framingham, prepared by MacCarthy & Sullivan Engineering, Inc., dated December 31, 1986.

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Correspondence through ACCELA from the Framingham Police Department, received on June 28, 2016.
2. Correspondence through ACCELA from the Framingham Fire Department, received on July 11, 2016.
3. Letter of comment from the Department of Public Works, RE: Special Permit for use as a Brewery – 81 Morton Street, Framingham, dated July 18, 2016.
4. Letter of comment from the Conservation Commission, Subject; 81 Morton Street – Conservation Review, dated July 19, 2016.