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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** June 9, 2023

**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director Department of Planning and Development  
Katie Whewell, Chief Planner  
Zachery LeMel, Chief of Long Range Planning  
John Sisson, Economic Development Director  
Joe Iadonisi, Planning Associate

**RE:** **#206-23 Discussion and possible ordinance to allow for breweries, brew pubs, and other craft beverage production**  
COUNCILOR LIPOF requesting review, discussion, and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to craft beverage production. Possible amendments would remove prohibition on bottling alcoholic beverages and propose opportunities for other craft beverage production and accessory retail.

**MEETING:** June 12, 2023

**CC:** City Council  
Planning Board  
Jonathan Yeo, Chief Operating Officer

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### Introduction

The purpose of this docket item is to consider zoning options that would permit craft beverage production in Newton. Allowing for craft beverage production could support economic development, by adding another commercial use and adding to the commercial tax base.

### Background

The City of Newton's Prohibition-inspired zoning ordinance, Ch. 30 § 6.5.4 (1920), currently prevents bottling of alcoholic beverages in the City of Newton. While not explicitly prohibiting canning or producing alcohol beverages for on-site consumption, this ordinance limits a potential revenue stream for producers looking to locate in Newton and encourages craft beverage producers to establish their businesses in surrounding communities as most surrounding communities, to include Cambridge, Somerville, Boston, and Waltham allow such usages. The Planning Department has received several inquiries over the years, including recently, from craft brewers hoping to locate in Newton. Breweries can currently locate in Newton and produce and serve beverages on-site, however they are prohibited

from bottling beverages by the current ordinance and without further changes may opt to locate in surrounding communities.

### **Zoning Options**

There are several potential paths for allowing craft beverage production, described below. Each option described would expressly allow for breweries, wineries, distilleries, brew pubs, and other craft beverage usages in Newton. Each option proposes deleting the bottling works section. Based upon the feedback from the Committee, Planning staff will provide potential zoning language and identify which zoning districts where such uses would be allowed at a future meeting.

#### Option 1: Allow restaurants to produce and serve beverages for on-site consumption and off-site consumption and retail to produce beverages for off-site consumption only

This option would not require the creation of a new use, but would amend the zoning to give explicit permission for restaurants to produce and serve beverages for on-premise and ancillary sales of beverages off-premise consumption. Additionally, craft beverage production for off-premise consumption would be permitted where retail sales are permitted and according to the same conditions. In this option it is also recommended that the use table be amended to allow ancillary restaurants and retail sales in Manufacturing and Limited Manufacturing districts. Manufacturing districts are an appropriate location for craft beverage production; however our current zoning does not permit restaurant or retail uses in these districts. This means a brewery could not have a tasting room or sell beverages on site unless the zoning is amended.

#### Options 2: Create a new use for “Craft Beverage Establishments”

Creating a new craft beverage use allows some additional flexibility for the City to tailor requirements for craft beverage establishments without changing any of the ordinance regarding restaurants and retail spaces. This option would allow these establishments to produce and serve beverages on-premise along with ancillary retail sales. The zoning could differentiate between craft beverage establishments that have on-premise consumption versus those where the use is predominantly production and retail sales when determining appropriate zoning districts. Size of establishment could also be a distinction when determining where establishments may locate (potentially with smaller establishments in business areas and larger in manufacturing areas).

#### Option 3: Create a new use for “Craft Production.”

This option is similar to option 2, except it would enable broader craft and artisanal production including craft beverages, hand-made textiles, craft foods, furniture-making and wood-working, and other such uses. This option goes the furthest to advance the City’s economic, cultural, and social interests, but requires further refinement. Specifically, it can be difficult defining and distinguishing between which activities and uses should be considered appropriate to occur only where manufacturing and industrial activities are allowed versus in commercial and mixed-use areas. This option could also include standards that distinguish between craft production for on-site consumption, craft production for off-site consumption, craft production of non-consumables, and craft production of non-consumables using a heat source. Craft production of non-consumables using a heat source, such as pottery or blacksmithing, could be limited to Manufacturing and Limited Manufacturing districts. Craft production for off-site consumption and production of non-consumables could be permitted in all Business Use, Mixed Use, Manufacturing, and Limited Manufacturing districts. On-site consumption would only be permitted according to the standards that restaurants are currently held to in the Zoning Ordinance.

**Next Steps**

Based upon feedback from the Committee, Planning staff will do further analysis and develop a potential zoning ordinance for further discussion.