

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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**CASE NO.:** 23-14

**APPLICANT:** Beantown Donuts L.L.C. Mark Pesce

**PROPERTY:** 353 Trapelo Road

**DATE OF PUBLIC HEARING:** May 2, 2023

**MEMBERS SITTING:** Nichols Iannuzzi Jr., Chair  
Andrew Kelley  
Teresa MacNutt  
Casey Williams  
Elliot Daniels, Associate Member

**MEMBERS VOTING:** Nicholas Iannuzzi Jr., Chair  
Andrew Kelley  
Teresa MacNutt  
Casey Williams  
Elliot Daniels, Associate Member

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**Introduction**

This matter came before the Board of Appeals (the “Board”) of the Town of Belmont (the “Town”) acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the “By-Law”) and Chapter 40A of the Massachusetts General Law (the “Zoning Act”). The Applicant, Mark Pesce (the “Applicant”), request one (1) Special Permit under Section 3.3 of the Zoning By-Laws to allow the operation of a fast-food restaurants in a Local Business III (LBIII) Zoning District.

**Proposal**

The Board held a duly noticed hearing on the application on May 2, 2023. In addition to submitting an application and applicant statement, the Applicant submitted the February 3, 2023 Bill of Sale stating that the Applicant purchased the business from Duarte Carvalho (the Previous Owner), as well as the January 24, 2023 Assignment and Assumption of Lease document. The Applicant also submitted Mr. Carvalho’s application for a Special Permit from the Board of Appeals, which was time stamped on March 14, 2007, and the Board of Appeals May 7, 2007 Decision, granting Mr. Carvalho a non-transferable special permit. Lastly the Applicant submitted three letters of support with his application packet.

The Applicant presented a proposal at the hearing. The Applicant stated that he plans to operate the existing Dunkin Donuts franchise with the same hours of operation and does not plan to change the way the business is operated under Mr. Carvalho. The Applicant further stated that he has experience from operating 40 other Dunkin’ Donut locations across the Boston Metropolitan Area.

No members of the public spoke in support or opposition to the application.

**Conclusion**

On 12 April 2023, the Board deliberated on the Applicant’s request for one Special Permit under Sections 3.3 of the Zoning By-Laws to operate a fast-food restaurant at 353 Trapelo Road located in a LBIII Zoning District. The board proposed to maintain the conditions from the May 7, 2007 Decision, as follows:

1. The Special Permit is granted only to Mark Pesce or to an entity controlled by him and may not be assigned or transferred, in whole or in part, without the Board’s specific approval, following a public hearing on a new application.

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2. Hours of operation shall be from 5:00 AM to 11:00 PM, seven days a week and, if required, subject to the approval of the Select Board.
3. There is to be no on-site baking or cooking. Items may be reheated/microwaved on the premises. Suitable mechanical systems will be installed so no odors will be emitted outside the premises.
4. No deliveries are to be made to the premises after 6:00 PM. Early morning deliveries shall be made from the delivery vehicle, while parked at the curb on Trapelo Road.
5. All signage and lighting must comply with local codes. Energy efficient light bulbs will be used if available.
6. The rear fence and right-side fence shall be maintained.
7. Applicant will provide off-site and off-street parking for employees.
8. Applicant will maintain improvements to the premises as required in the 7 May 2007 decision.
9. This special permit for restaurant use shall be reviewed at the end of three years; the variance respecting parking spaces, as stated above, may be reviewed and the request for waiver of parking spaces renewed, after one year of operation. At the time of the review, the Board may renew or modify or refuse to re-issue the permit.

**Accordingly, upon motion duly made by Nicholas Iannuzzi Jr. Teressa and seconded by Casey Williams the Board voted 5-0 to grant the Applicant the requested Special Permits with conditions.**

For the Board:

Dated: July 20, 2023



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Gabriel S. Distler  
Staff Planner  
Office of Community Development