

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2019 FEB -1 AM 10:47

CASE NO. 19-04

APPLICANT: Maria Jones, d/b/a Tropical Diner LLC.

PROPERTY: 628 Trapelo Road

DATE OF PUBLIC HEARING: January 7, 2019

MEMBERS SITTING: Nick Iannuzzi, Chairman
Jim Zarkadas
Craig White
Andrew Plunkett
Phil Ruggiero
Casey Williams, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
Jim Zarkadas
Craig White
Andrew Plunkett
Phil Ruggiero

Introduction

This matter came before the Board of Appeals (“Board”) of the Town of Belmont (“Town”) acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (“By-Law”) and Chapter 40A of the Massachusetts General Law (“Zoning Act”). The Applicant Maria Jones, d/b/a Tropical Diner LLC (“Applicant”) requests one (1) Special Permit under Section 3.3 of the Zoning By-Laws to change the ownership of an existing full serve restaurant to the applicant located in a General Residence (GR) Zoning District.

The Board held a duly noticed hearing on the application on January 7, 2019. The Applicant Maria Jones with Roberto Sabino Goncalves, manager, proposed the plan, the menu and the hours of operation at the hearing. One person spoke in favor. There was no opposition to the Applicant’s proposal.

Proposal

The applicant would like to transfer ownership of Phinix Mediterranean Kitchen & Catering. Their experience includes being in the food and beverage industry for over 15 years. The proposed transfer is in keeping with the character of the neighborhood and is not detrimental to the community.

Conclusion

The current Town of Belmont Zoning By-Laws' use regulations does not allow restaurant use in General Residence districts. The existing restaurant at 628 Trapelo Road in a General Residence zoning district has been in operation before the change of zoning and the use is considered grandfathered. The only Special Permit required for this location is the take out window opening on the west wall of the building. Due to this non-grandfathered component this request has given the opportunity to the Town through and by the Zoning Board of Appeals to enforce certain conditions to the existing non-conforming use.

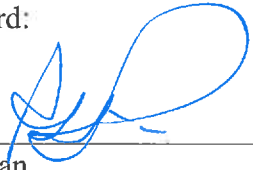
On January 7, 2019, the Board deliberated on the Applicant's, Maria Jones' ("Applicant") request for one (1) Special Permit under Section 3.3 of the Zoning By-Laws to change the ownership of an existing restaurant to the applicant located in a General Residence (GR) Zoning District.

Accordingly, **upon motion duly made by Nick Iannuzzi and seconded by Jim Zarkadas, the Board voted 5-0 to grant the Applicant the requested (1) Special Permit, subject to the following conditions:**

1. The hours of operation of the restaurant shall not exceed 7:00 a.m. to 10:00 p.m. seven days a week.
2. The seating shall not exceed 44 as shown on the plans submitted to the Board.
3. Bread delivery would be daily at 6:00a.m.
4. Weekly delivery must be between the hours of 9:00a.m. and 3:00p.m.
5. Trash pickup twice a week between the hours of 9:00a.m. and 3:00p.m.

For the Board:

Dated: January 31, 2019



Ara Yogurtian
Assistant Director
Office of Community Development