

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 15-33

APPLICANT: Fuad Mukarker d/b/a The Loading Dock

2016 MAR 24 AM 10: 24

PROPERTY: 11 Brighton Street

DATE OF PUBLIC HEARING: December 7, 2015

MEMBERS SITTING: Eric Smith, Chairman
Nick Ianuzzi, Member
Jim Zarkadas, Member
Faustino Lichauco, Member
John McManus, Associate Member
Gang Zhao, Associate Member

MEMBERS VOTING: Eric Smith, Chairman
Nick Ianuzzi, Member
Jim Zarkadas, Member
Faustino Lichauco, Member
John McManus, Associate Member

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as 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, Fuad Mukarker ("Applicant"), requests a Special Permit under Section 3.3 of the Zoning By-Law to:

1. Increase seating from 24 to 60 (additional 36) at 11 Brighton Street located in a General Business Zoning District.

The Board held a duly noticed hearing on the application on December 7, 2015. The Applicant presented a letter dated October 23, 2015 from the Applicant, a letter from Bob Ouellette of F.A. Williams, Inc., dated October 23, 2015, a letter from Samy Saliba, owner of TNT Car Repair, dated October 1, 2015, professionally drawn architectural floor plans dated October 7, 2015 and photographs of the building front on Brighton Street and side parking.

No one spoke in support of the Applicant's proposal. An adjacent tenant expressed concern about daytime restaurant patrons parking in assigned spaces dedicated to the tenant's place of business. An attendee suggested valet parking patron's cars. Another attendee noted nearby construction has temporarily increased parking in the area.

Proposal

The Applicant proposes increasing restaurant seating from 24 to 60 thereby subjecting it to a requirement for an additional 18 spaces that will be met with spaces available in two nearby privately-owned lots.

Conclusion

On December 7, 2015, the Board deliberated on the Applicant's request for a Special Permit under Section 3.3 of the Zoning By-Laws to increase seating from 24 to 60 (additional 36) at 11 Brighton Street located in a General Business Zoning District.

The Board found that approval of the proposal will require signed agreements showing the Applicant's control over the required additional spaces for the restaurant. (It was noted the Applicant's current permit includes a waiver of 6 spaces.)

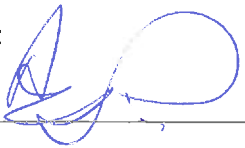
Therefore the special permit will be granted under the following conditions:

1. Submission of instruments by the Applicant demonstrating control over the 18 spaces within 60 days of filing the decision with the Town Clerk.
2. Notice will be posted in the restaurant regarding availability and location of the additional spaces.
3. The permit will be reviewed by the Board in 1 year.

Accordingly, upon motion duly made and seconded, **the Board voted 4-1 to grant the Applicant's request for a Special Permit with Conditions.**

For the Board:

Dated: March 24, 2016



Ara Yogurtian
Assistant Director
Office of Community Development