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**TOWN OF BELMONT
BOARD OF APPEALS**

CASE NO. 21-07

APPLICANT: **ZOHREH BEHESHTI D/B/A
CAFÉ VANAK**

PROPERTY: 271 Belmont Street

DATE OF PUBLIC HEARING: March 8, 2021

MEMBERS SITTING: Jim Zarkadas, Vice-Chairman
Andrew Kelley
Casey Williams
Teresa MacNutt
William Fick, Associate Member
Elliot Daniels, Associate Member

MEMBERS VOTING: Jim Zarkadas, Vice-Chairman
Andrew Kelley
Casey Williams
Teresa MacNutt
William Fick, Associate Member

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 Zohreh Beheshti d/b/a Café Vanak ("Applicant") requests one (1) Special Permit under Section 3.3 of the Zoning By-Laws to operate a Fast Food Restaurant at 271 Belmont Street located in a Local Business III (LBIII) Zoning District.

The Board held a duly noticed hearing on the application on March 8, 2021. The Applicant described her proposal at the hearing and submitted architectural plans, menu and ownership proposal including hours of operation, deliveries, dumpster schedule and parking. Numerous letters of support were submitted in advance of the hearing. No one spoke in favor and no one spoke in opposition to the Applicant's proposal.

Proposal

The applicant would like to operate a fast food restaurant at the site formerly occupied by Seta's Café. The applicant will renovate the premises and change the name to Café Vanak. She will also operate a specialty market in the space next door. She has operated a similar specialty market in Watertown for years. The proposed fast food

Case: 21-07

Address: 271 Belmont Street

restaurant is in keeping with the character of the neighborhood and is not detrimental to the community.

Conclusion

On March 8, 2021, the Board deliberated on The Applicant's request for one (1) Special Permit under Section 3.3 of the Zoning By-Laws to operate fast food restaurant located in a Local Business III (LBIII) Zoning District.

Upon motion duly made by William Fick and seconded by Jim Zarkadas, the Board voted 5-0 to grant the Applicant's application for (1) Special Permit.

Subject to the following conditions:

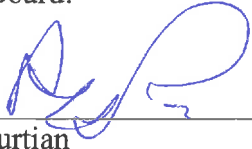
1. The Special Permit is granted to Applicant Zohreh Beheshti and is not transferrable or assignable to any other person or entity.
2. The Applicant shall comply with all state and municipal rules and regulations that are applicable to the operation of a fast food restaurant, including those of the Belmont Department of Health, and shall comply with all requirements of said Department of Health, as specified from time to time, for the operation of a fast food restaurant at the Premises.
3. The hours of operation of the restaurant shall not exceed Monday through Sunday 6:00 a.m. to 11:00 p.m., subject to the Applicant obtaining an appropriate Common Victualler's License from the Board of Selectmen, and such other permits, licenses and approvals as may be required for the Applicant's operation of a fast food restaurant.
4. The Applicant shall be limited to seating for 16 patrons.
5. Parking in the rear of the building shall remain as existing, 7 spaces.
6. Vendors are prohibited from parking on Newton Street and all deliveries are to be made through the front entrance at the Belmont Street side only. Daily incoming deliveries of fresh items shall be made before 7:30 a.m. Weekly deliveries shall be made between the hours of 9:30 a.m. and 2:30 p.m.
7. The dumpster must be properly screened and comply with all Department of Health rules and regulations. Trash pick-up shall be made Monday through Friday in the morning hours.
8. Take-out deliveries are limited to the hours of operation.
9. No employee parking is allowed in any residential area.
10. All signage must comply with the sign By-law.

Case: 21-07
Address: 271 Belmont Street

11. The Applicant shall provide the Office of Community Development with a copy of the lease for the site.

For the Board:

Dated: March 30, 2021



Ara Yogurtian
Assistant Director
Office of Community Development

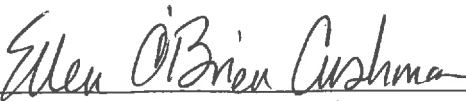
CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on March 31, 2021, and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permits with Eleven (11) conditions.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

May 4, 2021



Ellen O'Brien Cushman, Town Clerk
Belmont, MA