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ZONING BOARD OF APPEALS 2022 AUG 12 AM 11:01

CASE NO. 22-11

APPLICANT: Comella's Restaurant Holdings, LLC, John P. Comella, owner

PROPERTY: 11 Brighton Street

DATE OF PUBLIC HEARING: July 11, 2022

MEMBERS SITTING: Nick A. Ianuzzi, Chairman
Jim Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels (Associate Member)
David Stiff (Associate Member)

MEMBERS VOTING: Nick A. Ianuzzi, Chairman
Jim Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Special Permit and Variance 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, Comella's Restaurant Holdings, LLC, John P. Comella, owner ("Applicant"), requests One (1) Special Permit under Section 3.3 of the Zoning By-Law to Operate a Fast Food restaurant at 11 Brighton Street located in a General Business (GB) zoning district.

The Board held a duly noticed hearing on the application on July 11, 2022 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). Attorney Steven B. Rosales, the applicant's attorney presented the case to the Board on behalf of the Applicant, Comella's Restaurant Holdings, LLC, John P. Comella, owner.

Proposal

The Applicant proposes to operate a Fast Food restaurant at 11 Brighton Street, located in a General Business (GB) zoning district. §3.3 of the By-Law allows the use of Fast Food restaurants in this zoning district by a Special Permit granted by the Board of Appeal.

The proposal presented on plans submitted by the Applicant dated May 2, 2022. The Applicant proposes to operate a Fast Food restaurant at the current location of "The Loading Dock" which has been closed for several years. He wishes to maintain the number of current seats which is 60, 48 seats at the main area and

additional 12 seats at a newly constructed counter. §5.1.2 (d) requires one parking space per two persons seating capacity. 60 seating capacity require 30 parking spaces and are provided as follows: 12 on site parking spaces, 9 on street parking spaces on Brighton Street which was allowed by Special Permit to the previous use and 10 parking spaces across Brighton Street at F.A. Williams property, a letter of this agreement was included with the submittals.

It was requested by the Applicant to have outdoor seating. The Board denied this request.

47 online signatures and 2 emails of support were presented at the meeting. At the meeting one person spoke in favor and no one spoke in opposition to this application.

Conclusion


On July 11, 2022 the Board deliberated on the Applicant's request for a Special Permit under Section 3.3 of the Zoning By-Laws to operate a Fast Food restaurant at 11 Brighton Street located in a General Business (GB) zoning district with the following conditions:

1. Notice will be posted in the restaurant regarding availability and location of the additional spaces (from previous Special Permit case #15-33).
2. The permit will be reviewed by the Board in 1 year (from previous Special Permit case #15-33).
3. Entrance to the premises and all deliveries will be made on Flanders Road.
4. Trash dumpsters will remain at their current location and will be used with other condominium owners/users in the building.
5. Outdoor seating on or off property is not allowed.

Accordingly, upon motion duly made by James Zarkadas and seconded by Nicholas Iannuzzi, the Board voted 5-0 to grant the Applicant one (1) Special Permit with Conditions.

For the Board:

Dated: August 12, 2022



Ara Yogurtian
Assistant Director
Office of Community Development