

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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2022 DEC 12 PM 12:01

CASE NO. 22-22

APPLICANT: Jack Sy, d/b/a N1Group

PROPERTY: 89 Trapelo Road

DATE OF PUBLIC HEARING: September 12, 2022

MEMBERS SITTING: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Elliot Daniels, Associate Member
David Stiff, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Elliot Daniels, Associate Member
David Stiff, Associate Member

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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, Jack Sy, d/b/a N1Group (“Applicant”), requests One (1) Special Permit under Section 5.1.2(d) of the Zoning By-Laws to operate an 83-seat full-serve restaurant in a Local Business 1 (LB1) Zoning District. Per Section 5.1.2(g), 20 parking spaces are grandfathered. The remaining 22 parking spaces (equivalent to 44 seats) are allowed by a Special Permit granted by the Board of Appeals.

Proposal

The Board held a duly noticed hearing on the application on September 12, 2022. The applicant had submitted for the Board’s review floor plans dated May 31, 2022, prepared by the firm JCBT Architect; a signed copy of the applicant’s commercial lease; a Town of Belmont dumpster permit; the proposed menu; the hours of operations of surrounding businesses; and photos of available street parking. One letter of opposition was submitted on the day of the meeting after the deadline for written public comment and was thus not accepted by the Board. No letters of support were submitted on behalf of the project.

N1Group owner Jack Sy made the presentation to the Board. Mr. Sy explained that his restaurant would enhance commercial activity in the Cushing Square neighborhood and that there was an adequate number of on-street and off-street parking to accommodate the additional number seats requested for the

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restaurant. Mr. Sy also explained to the Board his experience in the restaurant business and his plans to apply for liquor license from the Select Board pending the approval of the Special Permit.

At the meeting three members of the public spoke in favor of the project, one member of public stated she was undecided, and no members of the public one spoke in opposition to the proposed restaurant.

Decision

MGL 40A §6 provides in pertinent part: "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

The Board found that the proposed restaurant and the proposed additional seating will not be detrimental to the neighborhood nor will it cause a shortage of parking in a LB1 Business District.

Accordingly, upon motion duly made by Chair Nicholas Iannuzzi and seconded by Casey Williams, the Board voted 5-0 to grant the Applicant the Special Permit as requested.

For the Board:

Dated: December 12, 2022



Gabriel Distler
Staff Planner
Office of Community Development