

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
FEB 10 10 11 AM

CASE NO.

22-32

2023 MAR -6 PM 6:11

APPLICANT:

Suzana Samad

PROPERTY:

49-51 Leonard Street

DATE OF PUBLIC HEARING:

December 5, 2022

MEMBERS SITTING:

Nick Iannuzzi, Chairman
Andrew Kelly
Teresa MacNutt
Casey Williams
David Stiff, Associate Member
Elliot Daniels, Associate Member

MEMBERS VOTING:

Nick Iannuzzi, Chairman
Andrew Kelly
Teresa MacNutt
Casey Williams
David Stiff, 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, Suzana Samad (“Applicant”), request two (2) SPECIAL PERMITS under Section 3.3 of the Zoning By-Laws to allow fast-food restaurants in a Local Business I (LBI) Zoning District. In connection with this, the Applicant sought the following special permits:

- (1) A Special Permit under § 3.3 to allow a fast-food restaurant in LBI Zoning District.
- (2) A Special Permit under § 5.1.2(d) (one parking space per 2persons seating capacity). The proposed restaurant will have 41 seats which will require 21 parking spaces. Per §5.1.2(g), 6 parking spaces are grandfathered. The remaining 15 parking spaces (equivalent to 30 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 December 5, 2022. The Applicant presented a proposal at the hearing and submitted architectural drawings, prepared by Thomas P. Scott and dated October 7, 2022; proposed menu, hours of operation; and delivery and trash pickup schedules. Letters of support were submitted by Katherine Venzke and Paul Joy, Economic Development Committee Co-Chairs; Samir Ahshrup; and Sarah Olken. No letters of opposition were submitted.

The Applicant and owner Butternut Bakehouse, Suzana Samad, made the presentation to the Board. Ms. Samad stressed that her proposed fast-food will not be detrimental to Belmont Center nor will her proposed number of 41 total seats lead to a shortage of parking.

Case No. 22-32

Address: 49-51 Leonard Street

Katherine Venzke and Paul Joy, Economic Development Committee Co-Chairs, spoke in favor of the proposal. There was no opposition to the Applicant's proposal. No members of the public spoke in opposition to the proposal.

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 fast-food restaurant will not be detrimental to the neighborhood 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 Permits as requested.

For the Board:



Gabriel S. Distler
Staff Planner
Office of Community Development

Dated: March 6, 2023