

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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BELMONT, MA

**CASE NO.** 17-03

**APPLICANT:** GILSON MARCOS

**PROPERTY:** 368 Trapelo Road

**DATE OF PUBLIC HEARING:** January 9, 2017

**MEMBERS SITTING:** Eric Smith, Chairman  
Jim Zarkadas  
Philip Ruggiero  
Craig White  
Faustino Lichauco  
Gang Zhao

**MEMBERS VOTING:** Eric Smith, Chairman  
Jim Zarkadas  
Philip Ruggiero  
Craig White  
Faustino Lichauco

2017 FEB 14 AM 9:18

**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, Gilson Marcos, d/b/a THYAGO’S PIZZA (“Applicant”) requests a Special Permit under Section 3.3 of the Zoning By-Laws to Change Ownership of an existing restaurant at 368 Trapelo Road located in a Local Business III Zoning District.

The Board held a duly noticed hearing on the application on January 9, 2017. The Applicant presented the proposal at the hearing. The applicant indicated that the business is presently in operation under existing management and if granted approval by The Board, all existing conditions with regard to hours of operation, dumpster location, trash removal frequency and timing, and timing and frequency of deliveries would continue to occur as they do presently.

No one spoke in support or in opposition to the Applicant’s proposal.

The Board requested verification that the Belmont Board of Health has reviewed and approved the proposed restaurant. Mr. Ara Yogurtian spoke on behalf of the town of Belmont to indicate that all Board of Health and Restaurant Review Committee requirements had been satisfied by the applicant at this time.

**Proposal**

The Applicant seeks a Special Permit to operate a Fast Food Restaurant. The proposed restaurant shall be named “THYAGO’S PIZZA” which will serve pizza, burgers, gyros, soups, salads, sandwiches and other items as shown in the menu provided in the applicant’s submission to The Board. All of the food would be prepared to order. The layout of the restaurant shall remain as is.

The hours of operation will be from 11:00am to 10:00pm Monday through Saturday and 12:00 noon to 10:00pm on Sunday.

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Deliveries of orders to customers will take place between 11:30am – 9:45pm Monday - Saturday, and 12:00 noon – 9:45pm on Sunday.

Deliveries of provisions to the restaurant will take place on Thursdays at 1:30pm, except for deliveries of bread, which will occur daily at 6:00am.

**Conclusion**

On January 9, 2017 the Board deliberated on Gilson Marcos' ("Applicant") request for a Special Permit under Section 3.3 of the Zoning By-Laws TO OPERATE A FAST FOOD RESTAURANT at 368 Trapelo Road located in a Local Business III Zoning District.


The Board found that it would not be substantially more detrimental to the neighborhood and that it would be in keeping with the character of the neighborhood.

Accordingly, **upon motion duly made and seconded, the Board voted 5-0 to grant the Applicant's application for a Special Permit conditional upon the following:**

- a.) Special Permit issued to Gilson Marcos and is not transferable;
- b.) Hours of operation, deliveries and dumpster pickup schedule to remain as in place for the existing operator, as defined herein.

For the Board,

Dated: February 14, 2017

  
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Ara Yogurtian  
Assistant Director  
Office of Community Development

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.