

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 19-26

2019 JUN 28 AM 8: 28

NOTICE OF PUBLIC HEARING BY THE
BELMONT ZONING BOARD OF APPEALS

ON APPLICATION FOR 1 SPECIAL PERMIT

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday July 15, 2019 at 7:00 PM in the Art Gallery, 3rd floor, Homer Municipal Building, 19 Moore St., to consider the application of 90 Trapelo Road, LLC at 90 Trapelo Road located in a Local Business I (LBI) Zoning District for One Special Permit under §1.5 of the Zoning Bylaw to construct a canopy over the fuel pumps. Special Permit 1.- § 6.7.4 of the Zoning By-Law, Motor vehicle Service Station, setbacks, requires a minimum front setback to buildings and structures no less than 40.0' in any zoning district. The existing structure is setback 37.2' off Common Street and 39.4' off Trapelo Road. The proposed canopy is 1.4' off Common Street and 0.0' off Trapelo Road and has an overhang over the Public Right of Way.

ZONING BOARD OF APPEALS

Baghdady Law Offices

Attorneys At Law

Sami S. Baghdady, Esquire
Sami@BaghdadyLaw.com
Telephone: (781) 646-7050
Facsimile: (781) 646-7149

June 6, 2019

Nicholas Iannuzzi, Chair
Zoning Board of Appeals
Town of Belmont
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

Re: Special Permit Application of 90 Trapelo Road, LLC

Dear Chair Iannuzzi:

Attached is the Application of 90 Trapelo Road, LLC for a Special Permit for the construction of a canopy over the existing fuel pumps at the Cushing Square Gas & Service station at 90 Trapelo Road.

Thank you.

Very truly yours,



Sami S. Baghdady

SSB/esh

Enclosures

Baghdady Law Offices

382 Massachusetts Avenue, Arlington, Massachusetts 02474-6717

www.BaghdadyLaw.com



OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT
19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

January 17, 2019

90 Trapelo Road, LLC
Nabih El-Lakis, manager
441 Pleasant Street
Belmont, MA 02478

RE: Denial to Construct a Canopy over Fuel Pumps

Dear Mr. El-Lakis,

The Office of Community Development is in receipt of your building permit application for your proposal to construct a 24.0' x 32.0' Canopy over the existing fuel pumps at 90 Trapelo Road, located in Local Business I (LBI) zoning district.

Your application has been denied because it does not comply with the current Town of Belmont Zoning By-Law. More specifically, Section 6.7.4 of the Zoning By-Law, Motor vehicle Service Station, setbacks, requires a minimum front setback to buildings and structures no less than 40.0' in any zoning district.

1. The existing structure is setback 37.2' off Common Street and 39.4' off Trapelo Road. The proposed canopy is 1.4' off Common Street and 0.0' off Trapelo Road and has an overhang over the Public Right of Way.

You may alter your plans to conform to the current Town of Belmont Zoning By-Law and resubmit a building permit application, or you may request One (1) Special Permit from the Zoning Board of Appeals and a Grant of Location from the Board of Selectmen. If you choose this option, please contact the Office of Community Development to schedule an appointment with Ara Yogurtian, Assistant Director, at (617) 993-2650 in order to begin the process.

Sincerely,

Glenn R. Clancy, P.E.
Inspector of Buildings

RECEIVED
TOWN CLERK
BELMONT, MA

2019 JUN 28 AM 8:29



Town of Belmont
Zoning Board of Appeals

APPLICATION FOR A SPECIAL PERMIT

Date: May 31, 2019

Zoning Board of Appeals
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 90 Trapelo ~~Street~~ Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for _____
Construction of a canopy over existing fuel pumps.

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

90 TRAPELO ROAD, LLC

Signature of Petitioner

By: *Nabih El-Lakkis*

Print Name

Nabih El-Lakkis, Manager

Address

c/o Sami S. Baghdady, Esquire
Baghdady Law Offices
382 Massachusetts Avenue
Arlington, MA 02474
(781) 646-7050

Daytime Telephone Number

ADDENDUM TO SPECIAL PERMIT APPLICATION TO CONSTRUCT CANOPY

PROPERTY: 90 Trapelo Road, Belmont, MA 02478

PETITIONER: 90 Trapelo Road, LLC

1. 90 Trapelo Road, LLC, the Petitioner, owns the Cushing Square Gas & Service station ("Cushing Square Gas") property located at 90 Trapelo Road in Belmont (the "Property"). Its principal, Billy El-Lakkis, is a long time Belmont resident. He and his son David El-Lakkis are local business owners who have operated the Pleasant Street Shell at 337 Pleasant Street in Belmont for over 30 years.
2. The Petitioner desires to construct a canopy over the two existing gasoline pumps at Cushing Square Gas. The canopy will have dimensions of 24' by 32', an area of 768 square feet, and will be supported by two columns. The height of the canopy will be approximately 14.6' from the pavement to the bottom and 17.6' to the top.
3. The Property has been used for gasoline service for many years. In 1927, the then Owner of the Property, Thomas A. Dewire, deeded to the Town of Belmont 414 square feet of land along the corner of Trapelo Road and Common Street and 526 square feet of land along Trapelo Road. It is believed that this conveyance was related to the layout of Trapelo Road.
4. Although it is not visually obvious, the island with the existing sign and lights of Cushing Square Gas, at the corner of Common Street and Trapelo Road, is actually located on a portion of the land conveyed by Mr. Dewire to the Town, and is therefore on Town property.
5. As a result of the conveyance of the land by Mr. Dewire to the Town, and due to the location of the existing pumps, the proposed new canopy will be setback 1.4 feet from Common Street and will hang over property owned by the Town along Trapelo Road. The Petitioner is requesting a Special Permit from Board of Appeals to authorize such construction of the canopy.
6. In support of such request, the Petitioner states as follows:
 - (a) No expansion of the pumps or the bays is being proposed. The canopy will merely shield the existing pumps from the sun and protect customers and the employees from rain and snow.

(b) Most gasoline service stations in the area do have a canopy over their pumps for protection from inclement weather. Without the canopy, Cushing Square Gas will be at a competitive disadvantage as a local business.

(c) A canopy that impinges on the setbacks has less impact than a solid structure, because it is raised from the ground.

(d) There will be no change in traffic patterns within or outside of the Property and no substantial municipal impacts.

(e) The canopy will not extend over the public sidewalk or beyond the existing sign island. Visually, the canopy will appear as though it is located within the Property.

(f) The Petitioner intends to obtain the approval of the Board of Selectmen for the overhang of the canopy above Town property. The Petitioner suggests that the Board of Appeals grant the Special Permit subject to the condition that the approval of the Board of Selectmen must be obtained before the proposed canopy may be constructed.

(g) Pictures of a similar looking canopy which impinges on the front setbacks, located at 350 Trapelo Road, are attached. The primary differences are that the canopy at 350 Trapelo Road is larger (26' by 32').

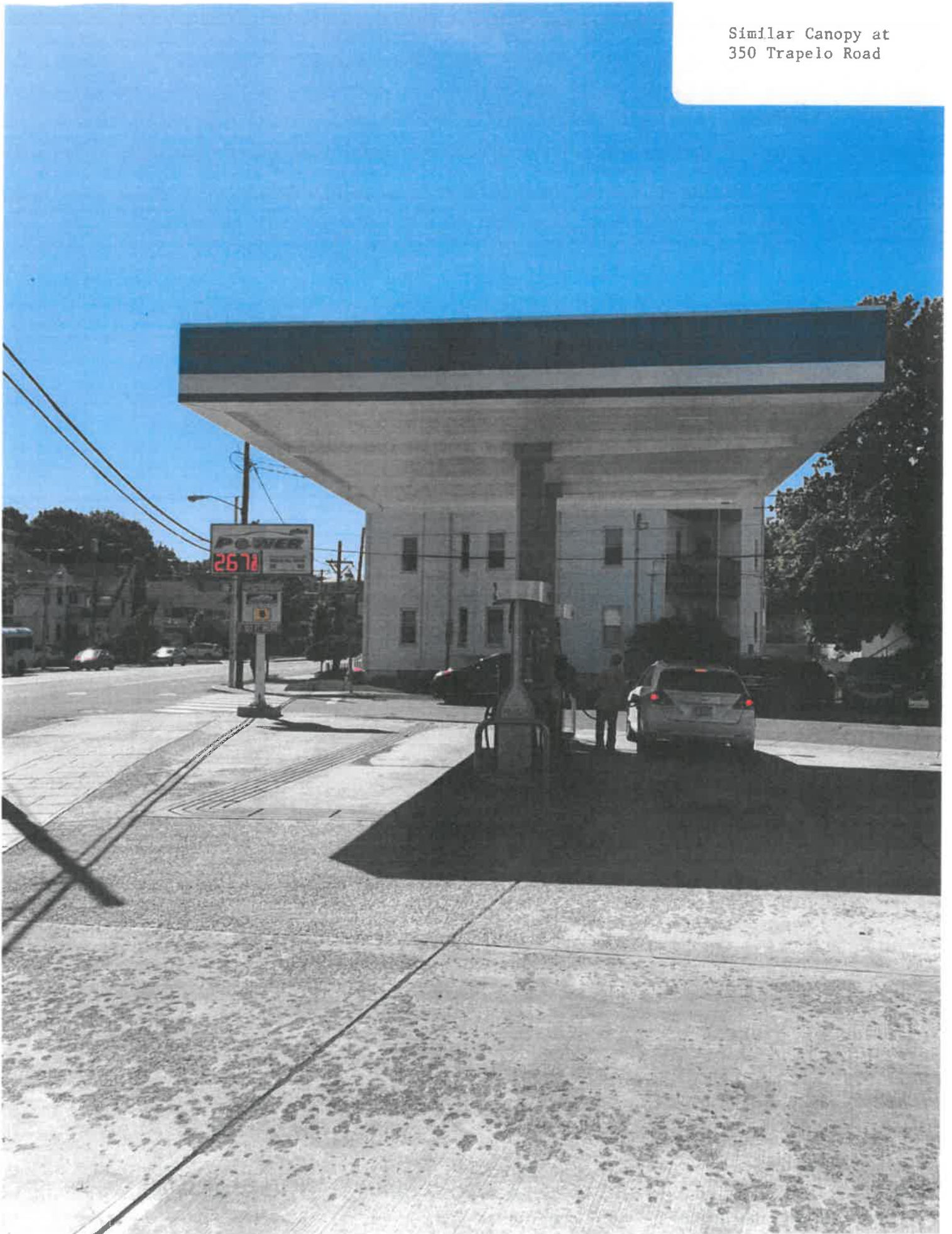
Similar Canopy at
350 Trapelo Road

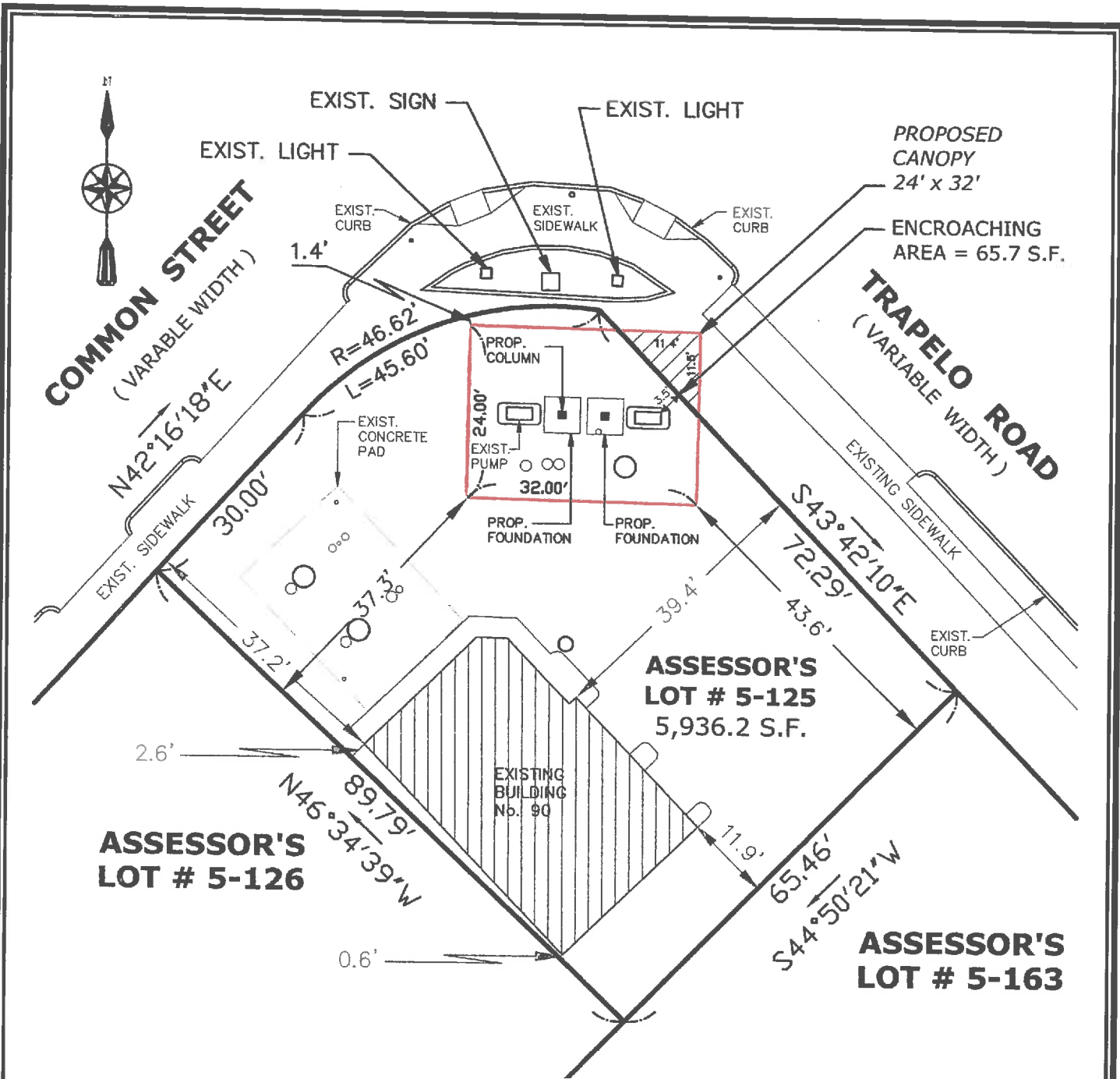


Similar Canopy at
350 Trapelo Road



Similar Canopy at
350 Trapelo Road





The LOT is in flood zone (C) as shown on The Federal Flood Insurance Rate Map.

The LOT is not in a wetland area as shown on the town of Belmont Wetlands Plan.

No public shade trees are located within the limits of the property frontage of the subject property.

EXISTING TOTAL LOT AREA = 5,936.2 S.F.

PROPOSED CANOPY AREA = 768.0 S.F.
 PROPOSED CANOPY HEIGHT = 14.5'



SITE PLAN

(Showing a proposed Canopy)
 (Zoning: LB1)

Applicant: Bill El-Lakkis

Surveyor: Michel El-Ashkar, P.L.S.

Scale: 1" = 20 ft.

Date: May 23, 2019

Location: 90 TRAPELO ROAD, BELMONT, MA.

"References" { Deed Book: 68966 , Page: 31

{ Plan Book: 200 , Plan: 46 (Lots # 2 and Lot #3)

Recorded at the Middlesex County South District Registry of Deeds.

ASHKAR ENGINEERING
 Tel: (978) 914-6527

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 www.ashkarsurveying.com