

RECEIVED
TOWN CLERK
BELMONT, MA

MODIFICATION OF DECISION TO CORRECT
SCRIVENER'S ERROR

2021 JAN 19 PM 12:02

ALEJANDRO BARRIENTOS
ZONING BOARD OF APPEALS DECISION

TOWN OF BELMONT
ZONING BOARD OF APPEALS

Case No.: ZBA 20-35
Property Address: 66 Leonard Street
Date of Public Hearing: November 9, 2020

In the decision, a scrivener's error was made – the last name of the Applicant was inadvertently transcribed.

- In the decision the last name of the applicant is identified as **BARRIENOS**. The correct last name of the Applicant is **BARRIENTOS**.

On Behalf of the Zoning Board of Appeals

Date: January 19, 2021




Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on December 10, 2020; a Scrivener's Error was filed on January 19, 2021; and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permits with Four (4) conditions.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

January 19, 2021

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 20-35 2020 DEC 10 PM 1:17

APPLICANT: LA VICTORIA TAQUERIA, Alejandro Barrientos, owner

PROPERTY: 66 Leonard Street

DATE OF PUBLIC HEARING: November 9, 2020

MEMBERS SITTING: Nicholas Iannuzzi (Chair)
Jim Zarkadas (Vice Chair)
Casey Williams
Teresa McNutt
Andrew Kelley
William Fick (Associate Member)
Elliot Daniels (Associate Member)

MEMBERS VOTING: Nicholas Iannuzzi (Chair)
Jim Zarkadas (Vice Chair)
Casey Williams
Teresa McNutt
Andrew Kelley

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 LA VICTORIA TAQUERIA, Alejandro Barrientos, owner, requests one (1) SPECIAL PERMIT under Section 3.3 of the Zoning By-Laws to change the ownership of an existing Full Serve restaurant and to operate a Fast Food restaurant at 66 Leonard Street located in a Local Business I (LBI) Zoning District.

The Board held a duly noticed hearing on the application on November 9, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicant, Alejandro Barrientos, presented the proposal to the Board.

No one at the hearing spoke in favor of or in opposition to the Applicant’s proposal.

Proposal

The applicant would like to transfer ownership of the El Centro, a Full Serve restaurant and operate a Fast Food restaurant. Operating a Fast Food Restaurant in LBI zoning district is allowed by a Special Permit granted by the Board of Appeals.

Mr. Alejandro Barrientos, owner of LA VICTORIA TAQUERIA owns two other locations, one in the Town of Arlington, Massachusetts and the other in the Town of Beverly, Massachusetts.

The current (El Centro) restaurant has an approval for 60 seat. Although Mr. Barrientos intends to reduce the number of seating, for the purpose of the Special Permit relief requested, he would like to maintain the approved 60 seat capacity.

The proposed hours of operation will be seven days a week between the hours of 11:00AM and 9:00PM. Daily provision deliveries will be scheduled between the hours of 6:00AM and 7:30AM. Weekly large

Case No. 20-35

Address: 66 Leonard Street

deliveries will be scheduled between the hours of 11:00AM and 3:00PM. The restaurant will use the trash dumpster provided by the Building Condo Association, no additional trash containers will be used.

The proposed Fast Food restaurant is in keeping with the character of the Belmont Center Local Business District and will not be detrimental to the community.

Conclusion

On November 9, 2020, the Board deliberated on The Applicant's, LA VICTORIA TAQUERIA, Alejandro Barrios' ("Applicant") request for One (1) Special Permit under Section 3.3 of the Zoning By-Law to operate a fast Food restaurant at 66 Leonard Street located in a Local Business I (LBI) Zoning District.

The Board determined that the proposed restaurant does not pose any substantial detriment to the neighborhood, does not nullify or derogate the intent of the By-Law and will benefit the Town.

Accordingly, upon motion duly made by Nick Iannuzzi and seconded by James Zarkadas, the Board voted 5-0 to grant the Applicant the requested (1) Special Permit subject to the following conditions:

1. Hours of operation will be seven days a week between the hours of 11:00AM and 9:00PM.
2. Daily provision deliveries will be between the hours of 6:00AM and 7:30AM.
3. Weekly deliveries will be between the hours of 11:00AM and 3:00PM.
4. Seating capacity shall not exceed 60 as shown on the plans submitted to the Board.

For the Board:

Dated: December 10, 2020

Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on December 10, 2020; a Scrivener's Error was filed on January 19, 2021; and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permits with Four (4) conditions.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

Ellen O'Brien Cushman, Town Clerk
Belmont, MA

January 19, 2021

