

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

2023 AUG 10 PM 2:17

**CASE NO.** 23-17

**APPLICANT:** Comella's Restaurant Holdings, LLC, John P. Comella, owner

**PROPERTY:** 11 Brighton Street

**DATE OF PUBLIC HEARING:** June 6, 2023

**MEMBERS SITTING:** Nicholas A. Iannuzzi Jr., Chair  
Demetrius (Jim) Zarkadas, Vice Chair  
Casey Williams  
Andrew Kelley  
Teresa MacNutt  
Elliot Daniels, Associate Member  
David Stiff, Associate Member

**MEMBERS VOTING:** Nick A. Ianuzzi, Chair  
Jim Zarkadas, Vice Chair  
Casey Williams  
Andrew Kelley  
Elliot Daniels, Associate Member

**Introduction**

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Special Permit and Variance Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act").

The Applicant, Comella's Restaurant Holdings, LLC, John P. Comella, owner (the "Applicant"), requests One (1) Special Permit under Section 3.3 of the Zoning By-Law to have outdoor seating at its fast-food restaurant at 11 Brighton Street located in a General Business (GB) Zoning District. The Board held a duly noticed hybrid public hearing on the application on June 6, 2023, conducted in person at the Select Board Room at Belmont Town Hall and via ZOOM videoconference. Attorney Steven B. Rosales, Applicant's attorney, presented the case to the Board on behalf of the Applicant, Comella's Restaurant Holdings, LLC, John P. Comella, owner.

**Proposal**

The Applicant proposes to have a seating area on its outdoor private patio at the Property for up to forty (40) patrons of its fast-food restaurant at 11 Brighton Street, located in a General Business (GB) zoning district. §3.3 of the By-Law allows for such additional outdoor seating by a Special Permit granted by the Board of Appeal.

The Applicant's proposal included an applicant statement dated May 1, 2023, accompanied by "Proposed Floor Plans" from HDS Architecture dated July 18, 2022. The proposal was then supplemented by an email dated May 31, 2023 from the Applicant to Gabriel Distler of the Office of Community Development (the "May 31 Email"), stating the Applicant was not seeking to expand the total number of seats it has been previously permitted (which is 60), and further stating that "(w)hatever number of seats that are being used outside will be not used inside. For example, if there were a party of 20 outside, we would "rope off" a 20 seat inside section." The May 31 Email also included an image of the type of barrier that Applicant proposes it would be used to "rope off" such seats (using what is commonly referred to as a "retractable belt barrier stanchion"). Attorney Rosales represented to the Board during his presentation that, if the Applicant's request for outdoor seating is granted, the Applicant will hire Cambridge Landscaping to install planters in this outdoor seating area, that Cambridge Landscaping will maintain such planters, and that Applicant would remove trash from such outdoor seating area on a daily basis.

The Applicant submitted an email letter of support from Joseph M. Noone, Esq., of Avery, Dooley & Noone, LLP, who occupies property at 3 Brighton Street, adjacent to the Property. At the meeting no member of the public spoke in favor or opposition to this application.

### **Conclusion**

On June 6, 2023 the Board deliberated on the Applicant's request for a Special Permit under Section 3.3 of the Zoning By-Laws for outdoor seating at Applicant's fast-food restaurant at 11 Brighton Street located in a General Business (GB) zoning district. The Board granted Applicant's request with the following conditions:

1. In no event shall there be more than sixty (60) seats in total (indoor and outdoor) available for use at any one time.
2. In the event Applicant uses outdoor seating, such outdoor seating shall not exceed forty (40) seats in total.
3. For every outdoor seat that Applicant has, Applicant shall "rope off" the same number indoor seats using the method presented in the May 31 Email (i.e. using retractable belt stanchion(s)). For example, if Applicant has forty (40) outdoor seats, then forty (40) indoor seats shall be roped-off and unavailable for use.
4. All conditions from the August 12, 2022 Special Permit (see Special Permit case #22-11) granted by this Board shall remain in full force and effect, including but not limited to the condition that notice will be posted in the restaurant regarding availability and location of additional parking spaces (from previous Special Permit case #15-33).

**Accordingly, upon motion duly made by Andrew Kelley and seconded by Casey Williams, the Board voted 5-0 to grant the Applicant one (1) Special Permit with Conditions.**

For the Board:

Dated: August 10, 2023



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Gabriel S. Distler  
Staff Planner  
Office of Community Development  
Town of Belmont