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2018 JUN -5 AM 9:05

**MODIFICATION OF DECISION TO CORRECT  
SCRIVENER'S ERROR**

**MICHAEL AND RHIANNON MACRAE  
ZONING BOARD OF APPEALS DECISION**

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

**Case No.:** ZBA 18-11  
**Property Address:** 63 Kilburn Road  
**Date of Public Hearing:** May 14, 2018



2018 00088322  
Bk: 71178 Pg: 341 Doc: MOD  
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In the decision, a scrivener's error was made – the last name of the Applicants was inadvertently transcribed.

- On the first page of the decision the last name of the applicants is identified as MACREA. The correct last name of the Applicants is MACRAE.

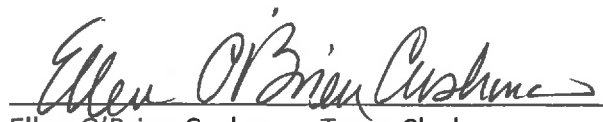
On Behalf of the Zoning Board of Appeals

Date: June 5, 2018

  
Ara Yogurtian  
Assistant Director  
Office of Community Development

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 May 29, 2018; a Scrivener's Error was filed on June 5, 2018, and further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

June 19, 2018

  
Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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BELMONT, MA

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69431-307

Case No. 18-11

Applicants: Michael Macrea  
Rhiannon Macrea

Property: 63 Kilburn Road

Date of Public Hearing: May 14, 2018

Members Sitting: Nicholas A. Iannuzzi, Jr., Chair  
Jim Zarkadas  
Craig White  
Andrew Plunkett  
Phil Ruggiero, Associate Member

Members Voting: Nicholas A. Iannuzzi, Jr., Chair  
Jim Zarkadas  
Craig White  
Andrew Plunkett  
Phil Ruggiero, Associate Member

**Introduction**

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") Acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicants Michael Macrea and Rhiannon Macrea (the "Applicants"), seek two (2) Special Permits under Section 1.5 of the Belmont Zoning-By-Laws to construct a Second Story addition. 1.) The Maximum allowed lot coverage is 25%, the existing lot coverage is 29.4%, and the proposed is 30.0. 2.) The minimum required rear setback is 25.0'. The existing rear setback is 11.2' and proposed is 11.1'. The Property is located in a Single Residence C (SRC) zoning district.

**Proposal**

The Applicants propose to build a second-story addition above an existing section of the Property. The current lot coverage is 29.4%, and the maximum allowed is 25%. The current rear setback is 11.2' and the proposed rear setback is 11.1'. The Property sits at an angle relative to the rear property line, and the and the proposal will reduce the rear setback to 11.1'. The proposal is set forth on plans, including elevations dated February 5, 2018, a plot plan dated February 16, 2018 and a Zoning Compliance Checklist (revised) dated March 23, 2018.

The Applicants Michael Macrea and Rhiannon Macrea presented the proposal at the duly noticed public hearing of the Board on May 14, 2018. The Applicant, Rhiannon Macrea described the proposal. Two abutters spoke in support of the proposal.

**Decision**

Pursuant to the "Gale vs. Gloucester" decision, the relief needed by the Applicants are special permits.

The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located." By-Law § 1.5.3.

Case No. 18-11  
Property: 63 Kilburn Road

The current minimum rear setback is 11.2' and the existing rear setback is 11.1'. A special permit to allow a rear setback for 11.1' but still non-conforming dimension, was considered by the Board. The Board found that the proposed alteration does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alteration is in keeping with the character of the neighborhood in which it is located.


The current lot coverage is 29.4%, and the maximum allowed is 25%. A special permit to allow the proposed lot coverage of 30.0%, but still non-conforming coverage, was considered by the Board. The Board found that the proposed alteration does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alteration is in keeping with the character of the neighborhood in which it is located.

The Board found that the proposed addition does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed addition will be consistent in style with the existing house. In the circumstances, the Board concluded that the proposed addition is not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed addition is in keeping with the character of the neighborhood in which it is located.

**Accordingly, upon motion duly made and seconded, the Board voted 4-1 to grant the requested two (2) special permits for the proposed addition as requested and shown on the plans submitted to the Board.**

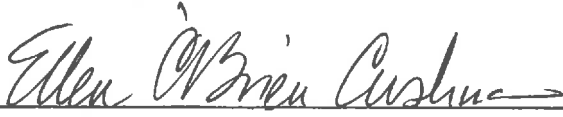
For the Board,

Date: May 29, 2018

  
\_\_\_\_\_  
Ara Yogurtian  
Assistant Director  
Office of Community Development

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 May 29, 2018; a Scrivener's Error was filed on June 5, 2018, and further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

June 19, 2018

  
\_\_\_\_\_  
Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

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.