

**ZONING BOARD OF APPEALS**

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ZBA 2007-56

Petition of Dan and Maureen Gordon  
3 Greenlawn Avenue

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Petition of DAN AND MAUREEN GORDON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and construction of a 8.5 foot by 15 foot one-story addition, construction of a 19 foot 8 inch by 24 foot two-story addition, demolition of an existing nonconforming structure and construction of a 21 foot 4 inch by 24 foot two-story addition, demolition of an existing nonconforming porch and construction of a 4.5 foot by 11 foot covered porch, with less than required front yard setbacks, on a 9,939 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, at 3 GREENLAWN AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 2007, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Laurence Shind, Esquire, who said that he was representing Dan and Maureen Gordon (the "Petitioner"). He said that also present with him were Dan Gordon and John Chapman, Project Architect.

Mr. Shind said that the petitioner is seeking a finding from the Board that the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structures with less than required front yard setbacks.

Mr. Shind said that the lot is nonconforming. He said that it is a corner lot with front yards on Greenlawn and Montvale Avenues. He said that a portion of the Montvale frontage is on a paper street. He said that the topography at the rear of the lot would preclude the paper street from ever being developed.

Mr. Shind said that the existing home is also nonconforming with respect to front yard setbacks. He said that the existing and proposed home will meet the side yard setback requirements. He said that the Petitioner and the Architect gave careful consideration to reduce nonconformities, where possible, and to minimize additional nonconformities in the proposed design.

Mr. Shind said that the proposed work has two main components. He said that from Greenlawn Avenue there is a proposed two-story addition that is set further back at the left side of the existing house. He said that a two-story addition is proposed for the rear of the house. He said that will come no closer to Montvale Avenue than the existing house.

Dan Gordon said that he is a local landscape architect. He said that it is a unique site. He said that they strove to build on the original integrity of the house and to come up with a design that is in scale with and fitting in detail with the house.

Mr. Gordon said that the property has four unique aspects. Mr. Gordon displayed an overlay of the Town's topographic information with the Assessor's Map. He said that the finished grade of the houses along Pine Ridge Road is higher than the ridgeline of his house.

Mr. Gordon said that the two houses on the other side of Greenlawn Avenue are oriented towards Montvale Avenue and Intervale Road.

Mr. Gordon displayed where the buildable area is on his lot. He said that the previous addition was canted. He said that the proposal is to replace that with an addition that is shifted over to the side where there are no neighbors. He said that there will be no visual impact for the neighbors at the rear.

Mr. Gordon said that there are four proposed additions. He said that on the west side they are looking to shift the addition forward to tie in with the rest of the house. He said that the two-story addition at the other side will be lower than the main body of the house and will be set back five feet from the front of the house. He said that placement will be less imposing to the neighbor's view.

Mr. Gordon said that the front portico will be shifted from the side to the center of the house with the additions. They will be removing an overhanging bow window. He said that the proposed front porch will be 49 square feet.

Mr. Gordon said that the proposed rear addition will be at the same setback as the existing sunporch. He said that the design works better architecturally.

John Chapman, Architect, said that efforts were made to reduce the massing. He said that the garage addition steps down approximately four and one-half feet from the existing house.

The Board said that although the plans are for a large amount of additions, design details help to control the size. The addition of the small dormers and the lower roof give the design a finer scale and the design of the portico at the front of the house is effective in reducing the scale.

Mr. Gordon displayed photographs of houses in the neighborhood. The Board said that the proposed design for 3 Greenlawn Avenue appears to be consistent with other houses in the neighborhood.

Mr. Gordon submitted two letters that were signed by 15 neighbors in support of the project.

The Board said that the roof peaks that are shown on the plans must be maintained without variation.

There was no member of the public present at the Public Hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 3 Greenlawn Avenue, on a 9,939 square foot corner lot, in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 15.5 feet on Greenlawn Avenue and a minimum front yard setback of 23.3 feet on Montvale Avenue.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming structure and construction of a 8.5 foot by 15 foot one-story addition, construction of a 19 foot 8 inch by 24 foot two-story addition, demolition of an existing nonconforming structure and construction of a 21 foot 4 inch by 24 foot two-story addition, demolition of an existing nonconforming porch and construction of a 4.5 foot by 11 foot covered porch, with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/6/07, stamped by James P. Troupes, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/21/07, drawn by John Chapman Architect, and photographs were submitted.

On July 30, 2007, the Planning Department reviewed the petition and recommended that the request be denied.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although demolition of an existing nonconforming structure and construction of a 8.5 foot by 15 foot one-story addition, construction of a 19 foot 8 inch by 24 foot two-story addition, demolition of an existing nonconforming structure and construction of a 21 foot 4 inch by 24 foot two-story addition, demolition of an existing nonconforming porch and construction of a 4.5 foot by 11 foot covered porch is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming structure and construction of a 8.5 foot by 15 foot one-story addition, construction of a 19 foot 8 inch by 24 foot two-story addition, demolition of an existing nonconforming structure and construction of a 21 foot 4 inch by 24 foot two-story addition, demolition of an existing nonconforming porch and construction of a 4.5 foot by 11 foot covered porch, with less than required front yard setbacks, subject to the following condition:

- The roof peaks that are shown on the plans shall be maintained without variation.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

This Special Permit shall expire two years after the date time stamped on this decision.

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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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