

3877 20 Nicod St (Projection of porch in required yard)

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DECISION OF THE ZONING BOARD OF APPEALS
TOWN OF ARLINGTON MASSASCHUSETTS

Docket No.	3877
Address of Property:	20 Nicod Street
Location of Property:	Little Scotland
Applicant(s)	Geoffrey and Cynthia Bowes
Subjects of Application:	Open Porch
Date of Application	October 22, 2025
Hearing Date(s)	November 25, 2025
Decision Date:	December 9, 2025

Summary

The applicants own a single-family dwelling located at 20 Nicod Street. The property is in the R1 Zoning District. The existing house is nonconforming with regard to the left side-yard setback but otherwise complies with the requirements of the Zoning Bylaw. The applicants propose to construct a farmer’s porch incorporating the existing landing in the front of the house. The requested porch would project into the front yard, reducing the existing 25.8 foot setback to 19.9 feet (25 feet required). The porch would also project slightly into the left side yard. The proposed porch may be built by special permit under § 5.3.9.D if the Board is able to make the findings specified in § 3.3.3 of the Zoning Bylaw. The Board in this case made those findings and granted the special permit with conditions.

Principal Provisions cited: ZBL § § 3.3.3, 9.3.9.D, 5.3.9.A.

INTRODUCTION

The applicants own a single-family dwelling located at 20 Nicod Street. The property is in the R1 zoning district. The existing house conforms to all of the Zoning Bylaw’s use and dimensional requirements except the left side yard (9.3’ provided/10’ required).¹ The applicants wish to construct a farmer’s porch, incorporating the existing front landing, on the front of the house. The porch would project into the required front yard, reducing the existing 25.8 feet foot setback to 19.9 feet (25 feet required). It would also project into the already nonconforming left side yard. Section 5.3.9.D allows

¹ This measurement is given in the application and supported by the Plot Plan dated October 1, 2025.

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the porch to project into both required yards if the Board is able to make the findings required by § 3.3.3 of the Zoning Bylaw.

SUMMARY OF THE HEARING

This case was heard by the Board on November 25, 2025. The members present were Mr. Hanlon, Mr. Holi, Mr. LeBlanc, Mr. Baranowski (associate) and Mr. Rosenberg (associate). Mr. Dupont was absent. Mr. Klein recused himself for the case because of a contractual relationship with the applicants' contractor. Mr. Hanlon acted as chair.

The Acting Chair recognized Edward McDonald and inquired as to whether he was acting as the applicant or as the agent of the applicants. Mr. McDonald replied that he was representing the Bowes family, the actual applicants. The Chair then invited Mr. McDonald to explain what applicants would like to do.

Presentation by the Applicant and Questions from the Board

Mr. McDonald stated that the applicants would like to add a front farmer's porch to the existing building. It is a single-story porch with a roof over it, about 5 feet by 30 feet (the width of the house).² The new front setback of this porch would be 19 feet 9 inches, with 25 feet called for by the Zoning Bylaw. The applicant needs relief to situate the porch in the front setback in that way.

Mr. McDonald showed the Board front elevations showing the house as it is ("a normal colonial two-story") and with the proposed front porch. Mr. McDonald noted that the porch would only be 2.5-3 feet high. The proposed porch would be made of composite, decking, railings, traditional lattice, but all maintenance-free material, and not stone or masonry.

At this point Mr. McDonald invited questions from the Board.

The Acting Chair noted that, according to the plot plan, the left side yard setback was only 9.6 feet as opposed to the 10 feet required. Mr. McDonald acknowledged that. The Acting Chair pointed out, however, that the porch itself is taken in a little bit from the side of the house and wondered whether the porch itself would be located in the side yard setback. He observed that the Board had encouraged that design feature in recent cases. Mr. McDonald agreed that that feature was aesthetically desirable. Looking at the plot plan again, he was unsure whether the porch was outside the side yard setback. He said that he would have to triple check.

² The Plot Plan shows the depth of the porch as 6 feet. Mr. McDonald subsequently used that figure as well, and the Board assumes that that is the correct number. Mr. McDonald also subsequently noted that, for aesthetic reasons, the porch would not extend the full width of the house but would be slightly offset on each side. This is shown on the elevations that were included in the record.

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The Acting Chair did not think this made a fundamental difference, because even if there was a slight intrusion on the left side yard setback, that could be allowed under § 5.3.9 or if necessary under § 8.1.3 as an insignificant increase in an existing nonconformity.

The Acting Chair raised several questions about information presented in the application. His questions focused on the usable and landscaped open space calculations and the reported building height in stories. He did not think that correcting the data would affect the Board's basic view of the case, but he did feel that it was important to make sure the data in the application are correct, because they all go into the public record. Errors and inconsistencies can cause confusion later on. Mr. McDonald agreed to review the calculations and make any necessary corrections.

The Acting Chair asked for questions by members of the Board.

Mr. Baranowski asked Mr. McDonald to confirm his reading of the plot plan, that there currently exists a landing in front of the house, which Mr. McDonald did. The Acting Chair noted that the existence of the landing is why the applicants are applying for a special permit under § 5.3.9.D rather than § 5.3.9.A, because they are essentially extending the landing to make the porch. Mr. McDonald confirmed that understanding as well.

Mr. Rosenberg wondered how much further out the stairs would come when the porch was in place. Mr. McDonald said that the porch was relatively low, perhaps 3 feet in height, and he expected only 3 steps down to grade.

Mr. Rosenberg commented that aesthetically, the porch is a nice addition and more inviting from a streetscape perspective. He wondered, however, how that falls in line with the other houses on the street, given their setbacks, and whether the porch brings the footprint of the house, the mass, dramatically towards the street relative to the houses on the left and right. Mr. McDonald replied that there are many houses on Nicod Street similar to applicants' proposed house. He believes that the proposal will match the aesthetics of the neighborhood.

Public Comment

Seeing no further questions or comments from the Board, the Chair opened the hearing to public comment.

Mr. Steve Moore (Piedmont Street) said that it was wonderful to see an open porch addition to basically a blank front face. He thought it was an excellent addition. He also noted that the lot was on a private way and applauded the applicant for having planted a tree right up against the street lot line.

There were no additional speakers, and so the Acting Chair closed the public hearing and summarized the issues before the Board.

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Discussion by the Board

The Acting Chair summarized the issues before the Board. He noted that the applicants were requesting a special permit to put a farmer's porch on the front of their existing house. The porch would project into the front setback approximately 5.4 feet, reducing it to 19.9 feet as opposed to the 25 feet required in the R1 zoning district. It would also increase an existing nonconformity on the left side yard by increasing the amount of the structure that was in the required setback. The Board has the authority to allow both projections into the required minimums under § 5.3.9.D of the Zoning Bylaw.

Section 5.3.9.D does not include any special regulations applicable to projections into required minimum yards. The applicant only needs to meet the requirements of § 3.3.3 of the bylaw. The Acting Chair noted that the overall criterion under that section is whether the adverse impacts of the proposed use will outweigh its beneficial impacts to the town or neighborhood. The Acting Chair thought that the Board could, on the basis of the present record, find that any adverse impacts would not outweigh the benefits.

In particular, the Acting Chair thought the Board could find that adverse impacts of the proposed use would not be very significant. The evidence showed little if any adverse impact from the proposed porch. The elevations indicate that the structure is not excessively massive and projects relatively little into the required setback. On the plus side, porches are, in general, a boon to the neighborhood and community because of the contributions they make to neighborhood relationships and vitality. Moreover, the porch here was praised by the public commenter and a board member as aesthetically pleasing, which contributes to the physical attractiveness of the neighborhood and to property values and the town's tax base.

The Acting Chair also reviewed the specific criteria in § 3.3.3, which supported the overall conclusion that, with respect to the proposed porch, the negatives did not outweigh the positives. These criteria are reviewed in the next section of this decision, "The Board's Findings and Conclusions." The Acting Chair again thought that the evidence with regard to each of these allowed that the Board to reach the conclusion that the requirements of § 3.3.3 have been met.

No member of the Board commented on the Acting Chair's summary. There were no other comments or questions from the Board, and no member expressed a reluctance to make the required findings to approve the application as conditioned.

Conditions

Accordingly, the Acting Chair observed that the Board, if it wished to grant the special permit request, would want to impose the standard conditions, which are generally applied in special permit cases.³

³ The Standard Conditions are presented and explained in Appendix D, hereto.

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The Acting Chair proposed an additional condition 4, which would require the applicants to review and correct the information provided to the Town in the application form.

The Acting Chair invited members of the Board to propose additional conditions, but no member did so.

Motion to Close the Hearing

The Acting Chair confirmed his willingness to direct the production of a draft opinion granting a special permit subject to conditions for consideration at the next meeting of the Board. He then moved that the hearing be closed. The motion was seconded by Mr. LeBlanc and approved unanimously. The members voting were Mr. Hanlon (Acting Chair), Mr. Holi, Mr. LeBlanc, Mr. Baranowski (associate) and Mr. Rosenberg (Associate). Mr. Klein was recused.

THE BOARD'S FINDINGS AND CONCLUSIONS

1. The subject property is located in the R1 zoning district. It is improved with a 3,399 square-foot, single-family house. It currently conforms with the Zoning Bylaw except with respect to left side yard (9.6 feet provided, 10 feet required).
2. The applicants propose to construct a farmer's porch on the front of their existing house. The porch would be six feet deep and approximately 30 feet wide. The porch would project 5.1 feet into the required front yard (reducing its depth from 25 to 19.9 feet) and a very small distance into the already nonconforming left side yard. It would in effect be an extension of the small existing landing which already projects into the required front yard.⁴
3. The Board can authorize this extension of the landing by special permit. Section 5.3.9.D of the Zoning Bylaw provides as follows: "*Porches, decks, steps, and landings in the required setback are not considered to be within the foundation wall and may not be enclosed, extended, or built upon except by special permit.*" That section does not, however, provide any regulatory criteria other than the ones that apply to all special permits under § 3.3.3 of the Zoning Bylaw.
7. Section 3.3.3 allows the Board to grant a special permit only if it finds, in a written determination, that **"the adverse effects of the proposed use will not outweigh the beneficial impacts to the town or the neighborhood, in view of the characteristics of the**

⁴ If the existing landing did not project into the required front yard, a special permit for the porch would still be authorized by § 5.3.9.A. That section provides: "Projecting eaves, chimneys, bay windows, balconies, open fire escapes, porches, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Porches and enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit. (Emphasis added.)"

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site and the proposal in relation to that site.” The Board makes this overall finding as follows.

- A. The adverse impact of the proposed porch would be minimal. While the porch would be closer to the street than the landing is today – and of course it is a more substantial structure – the porch would still be 19.9 feet from the lot line. It would not feel uncomfortably close to the street or crowd or dominate any abutting property.⁵ Moreover, proximity to the street is not necessarily an adverse impact for a porch of this kind. One of the benefits of a farmer’s porch is the opportunity it affords for conversations and other interactions between residents and passersby. If anything, a porch 19.9 feet from the street would serve this function better than a porch 25 feet away.
 - B. The benefits of the porch far outweigh any adverse impact. The porch would contribute to the life of the community, by supporting social interactions and by making the street a forum for neighborhood connections of all kinds. The applicants’ proposal, moreover, is consistent with the character of the neighborhood. The proposed porch, only six feet deep, is not unduly large. The porch would add visual interest to the front of the house, improving the aesthetics not only of the house itself but of the adjacent houses and the rest of the neighborhood. It would also provide some increase to the tax base. The balance of harms and benefits in this case favors the provision of the proposed porch.
8. Section 3.3.3 requires the Board to find that the following criteria for granting a special permit are met. The Board’s findings in this regard are as follows

A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The applicant’s proposal is allowed by special permit under § 5.3.9.D.

B. The requested use is essential or desirable to the public convenience or welfare.

The addition of the proposed farmer’s porch would support and enhance the visual appeal of the neighborhood and support the community ties that make Arlington a pleasant place

⁵ The Board notes that the houses on the adjacent properties do not currently have porches. The house to the right is very similar to the subject property, and the house on the left is a smaller Cape. The Board does not believe, however, that the proposed porch, which was generally praised as an aesthetic improvement, is either massive enough in construction or deep enough to unreasonably dominate the abutters. The owners of those properties did not provide oral or written comments.

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to live, work, and play. This ultimately redounds to the benefit not just of the neighborhood but to the appeal of the entire town.

C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The applicant's proposal will not generate traffic or exacerbate existing traffic conditions. The porch will not interfere with any sight lines or otherwise affect pedestrian safety. The porch is only 6 feet deep. Pedestrians approaching from the right will have exactly the same view of the applicant's driveway that they have today. Pedestrian traffic from the left will have a slightly less clear view than today, but the difference is not sufficient to have any significant effect on safety

D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The proposed farmers' porch will not have any impact on existing municipal systems or public utilities.

E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

The Zoning Bylaw does not provide any special regulations for the proposed porch. This criterion is inapplicable.

F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The proposed farmer's porch would not impair the integrity or character of the zoning district or adjoining districts. As the elevations illustrate, physically the porch is relatively light and does not fundamentally change the appearance of the existing colonial house. It serves, in this respect, as successful example of ornamentation, as Mr. Moore pointed out. The fact that it projects five feet into the minimum front yard does not change this. The porch is not deep enough or large enough to create a sense of mass that might be inconsistent with the neighborhood. Beyond the physical aspect, porches of the kind proposed are generally neighborhood friendly, promoting community and social interaction. There is no indication that the proposed porch would function in any other way. As to detriment to the health and welfare, the Board perceives no conceivable impact on the public health and only improvement to the public welfare, as stated above.

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G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The “use” in this case will continue to be single-family residential, which is the predominant use envisioned by the Zoning Bylaw in the R1 zoning district. See § 5.4.1.A(2). By definition, there cannot be an detrimental excess of this use in this district.

DECISION OF THE BOARD

The Board hereby grants the applicant’s request for a special permit under 5.3.9.D of the Zoning Bylaw, to allow construction of a farmer’s porch in a required minimum yard, subject to the following conditions:

1. The final plans and specifications approved by the Board for the permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with this application for zoning relief. There shall be no deviation during construction from approved plans and specifications without the express written approval of the Arlington Zoning Board of Appeals.
2. The Building Inspector is hereby notified that they are to monitor the site and should proceed with appropriate enforcement procedures at any time they determine that violations are present. The Building Inspector shall proceed under Section 3.1 of the Zoning Bylaw, under the provisions of Chapter 40 Section 21D, and institute non-criminal complaints. If necessary, the Building Inspector may also approve and institute appropriate criminal action, also in accordance with Section 3.1.
3. The Board shall maintain continuing jurisdiction with respect to this special permit grant.
4. The Applicants are to provide *Dimensional and Parking Information* and *Open Space / Gross Floor Area* sheets correcting any deficiencies in the application, including but not limited to deficiencies relating to building height, usable open space, and setbacks.

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SIGNATURE PAGE/CERTIFICATION

DocuSigned by:

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Christian Klein, R.A., Chair

Under the authority granted by the Board in its resolution of July 22, 2025, the Chair signs this decision on behalf of the Board and attests that it was duly adopted by the Board on December 9, 2025, by a vote of 5-0. The members voting were: Mr. Hanlon, Mr. Holi, Mr. LeBlanc, Mr. Baranowski (Associate), and Mr. Rosenberg (Associate).

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APPENDIX A: DOCUMENTS BEFORE THE BOARD

Legal Advertisements dated November 6 and 13, 2025 (Transaction date October 27, 2025)

Abutters List and Map (October 23, 2025)

Special Permit Application SP-25-27

20-nicod-deck-1 11-/27-22

20-nicod-deck-2 11-27-27

20-nicod-deck 11-27-11

Plot Plan 11-24-57

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APPENDIX B: DEFINITIONS

“Applicants” means Geoffrey Bowes and Cynthia Bowes.

“Board” means the Zoning Board of Appeals of the Town of Arlington, Massachusetts.

“Building Inspector” means the Director of ISD or their designee.

“ISD” means the Inspectional Services Department of the Town of Arlington, Massachusetts

“Zoning Bylaw” or “ZBL” means the Zoning Bylaw of the Town of Arlington, Massachusetts, as amended through April 28, 2025.

Note: All terms used in the foregoing decision have the meanings, if any, provided in the Zoning Bylaw. The additional definitions in this opinion are supplemental to and do not modify definitions in the Zoning Bylaw.

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APPENDIX C: STANDARD CONDITIONS

The Zoning Board of Appeals of the Town of Arlington includes certain standard conditions in special permit grants. These conditions and a brief explanation of each one are set forth below.

Final Plans

1. The final plans and specifications approved by the Board for the permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with this application for zoning relief. There shall be no deviation during construction from approved plans and specifications without the express written approval of the Arlington Zoning Board of Appeals.

This condition ensures that the plans and specification submitted to the Building Inspector are the same as the plans and specifications approved by the Board. Any changes need to receive express written approval by the Board.

Enforcement

2. The Building Inspector is hereby notified that they are to monitor the site and should proceed with appropriate enforcement procedures at any time they determine that violations are present. The Building Inspector shall proceed under Section 3.1 of the Zoning Bylaw, under the provisions of Chapter 40 Section 21D, and institute non-criminal complaints. If necessary, the Building Inspector may also approve and institute appropriate criminal action, also in accordance with Section 3.1.

This condition provides for the effective enforcement of the special permit or variance grant, using the various means that the law provides to the Building Inspector.

Continuing Jurisdiction

3. The Board shall maintain continuing jurisdiction with respect to this special permit [and/or variance] grant.

This condition provides for continuing jurisdiction of the Board to oversee the special permit and or variance granted by the Board. Any changes to the terms of the approval, including all conditions, must receive the Board's approval.

