

3872 15 Foster Street, Unit 1

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DECISION OF THE ZONING BOARD OF APPEALS
TOWN OF ARLINGTON MASSASCHUSETTS

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| Docket No. | 3872 |
| Address of Property: | 15 Foster Street, Unit 1 |
| Location of Property: | East Arlington |
| Applicant(s) | Andrew Burns |
| Owner(s) | ALP Ventures, LLC |
| Date of Application | September 9, 2025 |
| Hearing Date(s) | October 14, 2025 October 28, 2025 November 25, 2025 |
| Decision Date: | December 9, 2025 |

Summary

The applicant filed the application on behalf of the owner of a duplex dwelling at 15 Foster Street, seeking to enclose the existing first floor porch and build upon the existing second floor deck in the front yard setback, which is allowed with a special permit under § 5.3.9.D of the Zoning Bylaw. The porches would be used as additional living space and would have an appearance distinct from the house as a whole. The Board found that the proposed porch enclosures met the requirements of § 3.3.3 of the Zoning Bylaw and granted a special permit with conditions.

The owner of a two-family dwelling at 15 Foster Street,¹ proposes to enclose the existing first and second floor porches which encroach on the front yard. They intend to use the additional space for closets, an entry / mud room, and a half-bath. This would require a special permit under § 5.3.9.D of the Zoning Bylaw.

The subject property is located in the R2 Zoning District and is being renovated as a duplex dwelling. The houses on Foster Street are primarily two-family homes and several have enclosed front porches similar to what is proposed here.

The lot is non-conforming with respect to frontage (55 feet, 60 feet required) and lot size (4,783 square feet, 6,000 square feet required). The structure is also nonconforming with respect to the

¹ The address in the application, "15 Foster Street, Unit 1" is also referenced in this decision simply as "15 Foster Street".

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front yard depth (15 feet, 20 feet required), left side yard depth² (4.7 feet, 10 feet required), and Usable Open Space Percentage (0%, 30% required). These nonconformities will not be increased by the proposed enclosure of the existing porches, but the intensity of the Usable Open Space nonconformity will be increased. No new nonconformities will be created.

SUMMARY OF THE HEARINGS

Hearing No. 1 – October 14, 2025

Christian Klein, the Board Chair (“Chair”), presided over the meeting. The Chair called the public hearing on Docket No.3872, 15 Foster Street to order. The members of the Board present were the Chair (Mr. Klein), Mr. DuPont, Mr. Hanlon, Mr. Holi, Mr. LeBlanc, and Mr. Baranowski (associate).

At the time of the hearing, the Applicant was otherwise engaged in another meeting, and requested a continuance to the following meeting of the Board. The Chair requested a motion to continue the hearing November 28, 2025. Mr. Hanlon seconded the motion. The members voted unanimously in favor of the continuance.

Hearing No. 2 – October 28, 2025

The Chair called the public hearing on Docket No. 3872, 15 Foster Street to order. The members of the Board present were the Chair (Mr. Klein), Mr. DuPont, Mr. Hanlon, Mr. Holi, Mr. LeBlanc, and Mr. Baranowski (associate).

Presentation of Applicant

The Chair recognized the applicant and asked him to explain what he proposed to do.

Andrew Burns introduced himself as a builder with significant experience in Arlington. He apologized for not being able to appear at his scheduled time at the prior hearing. He is renovating the existing two-family dwelling at 15 Foster Street, reconfiguring the interior to be a front-back duplex dwelling, demolishing the garage, and upgrading the landscaping.

He would like to enclose the existing front porch and build upon the existing second floor deck to create additional living space for the future owners. As the porch / deck is within the required front yard setback, a special permit is required. He displayed a street view of the “existing” home,³ then a rendering of the proposed street view. He noted that the various gables on the house were maintained or slightly modified to be in keeping with the appearance of other properties in the neighborhood.

² This is noted as the right-side yard on the application, but by convention, yards are referenced from the position of the public way, so this is properly the left side yard.

³ The applicant enclosed the porch without a proper building permit prior to filing the application for a special permit, so any reference to “existing” refers to the condition prior to the start of construction.

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The Chair asked the applicant to discuss the construction plans as well. The applicant explained the program for the house and the proposed changes. There will be four bedrooms in each unit on the upper floors, and the basement will be built out as living space without egress windows.

The Chair reviewed the application before the Board. He noted that the Gross Floor Area listed on the application did not change between the existing and proposed conditions, although enclosing the porch would increase the floor area. The applicant agreed, noting there would be an increase of approx. 72 square feet per floor. The Chair asked if there was additional floor area related to the enclosure at the rear of the building, but the applicant indicated it was previously enclosed.⁴ The amount of open space on the lot was being increased. The Chair noted that there was no Usable Open Space on the lot, as no area met the minimum dimension requirement. The demolition of the garage would not change that. The Chair explained that the [proposed] increase in the Gross Floor Area required an increase in the Usable Open Space. Since this was already nonconforming at 0%, the Board would need to evaluate whether the technical increase in the nonconformity was significantly more detrimental than the existing condition.

The Chair explained that the Board has received many requests to enclose porches recently, and the Board has adopted a consistent view that enclosed porches ought to have the appearance of porches that have been enclosed. Otherwise, they are just additions in the required setback which are not allowed under the bylaw. He asked the applicant to explain what the proposed finish was for the enclosed porch and whether it would look like an enclosed porch or an addition.

The applicant displayed the existing photo and the proposed rendering. He noted he had received the same guidance from Inspectional Services. They had encouraged him to look at materials, layout, windows, or other features to help differentiate the porch from the building. He noted that it was more challenging here, as the area of the existing porch was small. He proposed to use vertical “board and batten” siding on the porch as opposed to horizontal clapboards on the building. He welcomed other recommendations.

Questions from the Board

The Chair asked the Board for their comments. Mr. LeBlanc was somewhat in favor of what was shown on the rendering, which he noted differed from the submitted elevations. He also noted that this house is representative of a trend where renovated two-family houses “turn away” from the street in favor of side entrances off the driveway. This encourages the use of the front porch for uses other than entrances. He is not in favor of this trend. Returning to the appearance, he felt that the change in siding, while welcome, didn’t go far in making the porch look like something other than an addition. Perhaps additional windows would help. He encouraged the applicant to go farther.

⁴ This appears to have been only half correct. The existing second floor porch at the rear had been enclosed previously, but the first floor porch was shown as open on the existing elevations. That additional floor area was omitted from the application.

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Mr. Hanlon was intrigued by the notion of additional windows, and he wanted to see where that would be possible. The applicant noted that there are proposed closets on both floors that complicates locating windows. He would consider other siding options if that would help. Mr. Hanlon noted that this is different from many similar cases. Often, the porch extends the width of the front, and the Board requests that the ends be brought in from the sides of the house to look less like an extension of the house. Here we have something different. It has lost the lightness of a porch and has become very solid. He asked whether windows could be added to both sides on the upper floor to return some lightness to the enclosure. Perhaps something similar could be achieved with siding.

Mr. DuPont wanted to make sure that it would retain some identity of a porch. The next door house clearly has an enclosed porch due to its appearance. He thought adding windows or changing the siding might accomplish that.

Mr. Holi agreed with the other Board members. He noted that the rendering ignored the other side of the porch, which was flush with the remainder of the house. He asked whether the proposed porch could be shifted to the right so it would not align with the remainder of the house. The Chair and the applicant noted the difficulty with this suggestion is that the applicant has already built the addition. Construction had been halted by Inspectional Services until a special permit was received. His concern was that demolishing the existing porch foundation and building a new foundation adjacent to the building could cause other structural issues.

The Chair discussed with the applicant how the porch appearance could be maintained. The applicant proposed adding a soffit at the second floor level similar to what would be seen on a porch. He also offered to look at adding windows to both floors. The applicant offered to mockup some changes for the Board to view, but the Chair was concerned this would add to the review period for the application. The Chair asked the Board whether they felt that conditions could be drafted to direct changes to the provided plans or whether revised plans would need to be submitted.

Mr. Baranowski asked to clarify what was being proposed by way of changes. He liked the option of adding windows to the upper floor. He thought the two floors could have different weights as they do today. Mr. Hanlon agreed, and asked whether the window on the front could be made larger and the upper floor made lighter by the addition of more windows. The applicant noted this would be easier on the front than on the sides. The discussion of possible trim options continued.

The Chair noted that it would be good to see a revised drawing and a corrected application before the Board made a final decision.

Mr. Hanlon noted that the Board had not yet heard from the public on this matter. The Chair apologized for not doing so sooner and opened the meeting for public comment.

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Public Comment

Karen Kitteridge (10 Foster Street) was disappointed that work had commenced without proper permitting, and there may not be a substantial penalty for doing so. A contractor working in Arlington should be aware of our Zoning Bylaw. Many houses on the street have recently been flipped, and the front porches have not been carefully considered. She would like to see a more architectural approach taken. The discussed options sounded reasonable. She wasn't sure about the turned siding.

Steve Moore (Piedmont Street) agreed with Ms. Kitteridge. He didn't see why the Board needed to bend over backwards to assist an applicant who had failed to follow the law in enclosing the existing porch without a special permit. He noted that was adding living space in the setback, which is not usual for enclosed porches. It will not serve as a porch at all. He also echoed Mr. LeBlanc's earlier comment regarding the shifting of the entrance from the front to the side. It emphasizes the interior use of the house over the exterior relationship to the neighborhood.

There were no additional public comments, and so the Chair closed the public comment period.

Discussion by the Board

Mr. Hanlon followed up on some of the comments made during the public comment period. The Board is not allowed to penalize an applicant because they did not follow the proper procedure. Similarly, the Board isn't required to take what was built under that condition into consideration. Our obligation is to be neutral. The Board's approach here is similar to other cases it has considered. This started over a year ago, and the Board has been making progress towards requiring porch enclosures in the setback not be a simple extension of the house by another means. Zoning doesn't allow programming the interior of the house, but we can impose conditions to make sure the exterior complies with Zoning. In this case, the Board is applying the same analysis and scrutiny it does on similar cases. The Bylaw is lacking in that it does not provide significant guidance on how the Board ought to interpret this section, and the Board has been working this out on its own. This would be improved with input from Town Meeting.

The Chair summarized the matter before the Board. Based on the testimony received so far, he recommended a continuance and sought to provide clear direction to the applicant. He wanted the applicant to revise the application to correct the errors which had been raised during the hearing. He also noted the constructive dialogue regarding changes that could be made to return some of the porch-like appearance including additional windows and heavier trim. The applicant was also encouraged to reference adjacent properties for ideas.

Mr. Baranowski noted that in addition to the options proposed for the second floor, some consideration should be given to how that could be also applied to the first floor. The applicant agreed with that approach.

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The Chair also asked the applicant to take another look at the front door and see if there was a way for it to be less exposed.

The Chair noted that due to Veteran's Day being on a Tuesday this year, the next meeting of the Board was Tuesday, November 25. The applicant asked if it would be advantageous to submit revisions sooner, and the Chair agreed that it would be.

The Chair moved to continue the hearing to Tuesday, November 25, 2025. Mr. LeBlanc seconded the motion. The members voted unanimously in favor of the continuance.

Hearing No. 3 – November 25, 2025

The Chair called to order the public hearing continued from October 28th to order. The members of the Board present were the Chair (Mr. Klein), Mr. Hanlon, Mr. Holi, Mr. LeBlanc, Mr. Baranowski (associate), and Mr. Rosenberg (associate).

Presentation of Applicant

The Chair asked the applicant to reintroduce himself and to describe what changes had been made since the last meeting. Mr. Burns did so and asked to share his screen. He noted that his architect was out of the country, and he had to make his own sketches for this meeting. His takeaway from the previous session was that the proposal was too solid. On the sketch, he showed a proposed soffit at the second-floor level with a pitched roof to reinforce the porch appearance. He showed examples of similar houses to provide a reference. He also proposed a horizontal band below the window sill on the second floor with a panel appearance where the prior railing had been. He also proposed adding a window to the right side of the enclosure on the second floor.

Questions from the Board

The Chair asked whether the applicant had considered providing the same second floor panel detail at the first-floor level. He noted that the siding would be vertical as indicated in his earlier rendering, but there would not be a separate zone at the bottom. The Chair also asked whether the existing exposed brick would remain or be covered. The applicant said he planned to paint the brick, but it would remain exposed. The Chair noted that the plans approved by the Board need to represent what will be built, and that does not appear to be the case at the moment.

Mr. Hanlon noted that the greater question is whether the Building Inspector will have enough information to determine whether the building complies with the Board's decision. How does the Board make sure that the Inspector can understand what the Board has approved? The Board is seeking a design solution to a legal issue, because the Zoning Bylaw allows for the enclosure of a porch, but many projects propose incorporating the area into the house. The Board is trying to support what it sees as the intent of the bylaw to have enclosed porches. We are trying to enforce a policy established by the Board over the last year.

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The Chair responded that the Board can reference the most recent submittal by the applicant and note the changes to those drawings requested by the Board. The applicant said he would prefer to not lose a month drafting new plans.

Mr. Rosenberg asked whether the brick on the front of the house would wrap around the window as it was at the start of the project, or whether it would be limited to the area below the window as it is today. The applicant noted that they had to remove the area of brick above the window sill to address issues in the wall. He further noted that the brick will also remain at the same height on the right side of the porch, but not on the front of the porch.

Mr. LeBlanc asked if the Board was to provide revised drawings to the Inspector after the hearing was closed, would that constitute new information, or since that just involved the Inspector, would that be OK? The Chair confirmed that the Inspector would be approving the drawing based on the decision reached by the Board. The Board would not be reviewing that submission. Mr. Hanlon noted that the Board is not in a position to approve something it hasn't seen. The final determination would be between the applicant and the Inspector based on the decision.

Mr. Baranowski noted that applicant proposed to add a window to the right side of the second floor, and he sought clarification as to why that side was chosen. The applicant noted that side was visible from Mass. Ave., and he thought after thinking about it in the field, it looked better on that side. Mr. Baranowski noted there is a window on the left side of the house near the front, making the choice of the right side sensible.

The Chair asked the Board what it thought of having the soffit band at the second floor but not at the first floor. The applicant interrupted to note that with the brick already on the side, the band would be limited to the front and left side, which might appear strange. He also noted that the clearly enclosed porch next door did not include a similar detail. Mr. LeBlanc would be intrigued to see how the panels would look at the bottom.

Public Comment

There were no public comments, and so the Chair closed the public comment period.

Discussion by the Board

The Chair noted that there are no special requirements for § 5.3.9.D and that the standard criteria for special Permits under § 3.3.3 would be applied.

Before proceeding further, the Chair wanted to clarify what was being proposed at this point, as that will be the basis for any decision going forward. In addition, these proposed changes define the character of the proposed enclosure and would need to be interpreted and enforced by the Building Inspector.

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- The existing front porch will be enclosed, and that enclosure will be extended to include the second floor. It will be topped by a deck with a picket-style railing.
- The proposed second floor window on the front of the porch will remain. A single window similar to that window will be added to the right side of the porch. There will be no windows added to the left side of the porch.
- Below the deck will be a heavy trim board with vertical siding below on the front and sides. There will be a horizontal trim band in approximate alignment with the window sill on the front and sides. Below that line will be larger flat panels with vertical battens between the panels, again on three sides. At the level of the floor on the second level, there will be a heavier soffit band that protrudes from the wall of the porch.
- The first floor of the porch will have vertical siding matching the level above. This will extend the full height of the first floor on the front and left side. On the right side, the vertical siding will extend to a horizontal trim board at the top of the existing brick masonry on that side of the porch.
- On the front of the existing house, the brick masonry will remain below the height of the existing window and align with the brick on the right side of the addition. Above the brick, the existing horizontal clapboard siding will be extended down to the top of the brick.⁵

The Chair confirmed with the applicant that this was an accurate summation of the current proposal, and they agreed. The Chair asked if there were any further questions from the Board. Mr. Holi asked whether the brick on the side of the porch would extend to grade. The applicant indicated it would. Mr. Baranowski asked whether the Board had reached a decision in regards to having panels at the first-floor level as on the second floor. The applicant was concerned that it would be making the front too busy. Mr. Baranowski noted that the house across the street reads like a porch without that type of paneling.

The Chair noted that the Board will need to determine whether the proposal has the appearance of an enclosed porch which is what the Board understands the Zoning Bylaw intends, or is it just an addition in the required front yard which cannot be approved by special permit. In regards to the house across the street, the Chair noted that is clearly an enclosed porch, but it also has significantly more window area than this application is proposing. Typically, porch openings are infilled with windows, maintaining the high window-to-wall ratio. That is not the case in this application. Enclosed porches often maintain the lower floor level of the former porch. The Board has been trying to come up with a standard set of guidelines for evaluating enclosed porches.

⁵ Although the finish on the existing house is beyond the scope of this application, the alignment of the brick between the house and the addition and the difference in the siding on the house was important to emphasize as they appear in the drawings that were submitted to the Board, but have been changed by the applicant since the drawings were submitted for review.

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The Chair reviewed the required findings for a special permit. The Chair also reviewed the three Standard Conditions for special permits.⁶ He also proposed a condition regarding the changes in the appearance discussed previously.⁷ He asked whether there were any additional conditions from the Board.

Mr. Hanlon noted that in this case, the drafting of conditions needs to be carefully considered to encompass the discussion. He also noted in regards to the findings, that when considering whether the adverse effects will not outweigh the beneficial impacts, working with the Bylaw as written leaves a bit of ambiguity in how to evaluate that balance. Maintaining the setback is an important public interest. Every time the Board allows an applicant to locate a room or a closet in the setback, there is a public interest involved that needs to be considered carefully. Having “the illusion of a porch” or having it “read like a porch” can go a long way towards satisfying the public interest in evaluating whether the enclosed porch should be approved. Mr. Baranowski added that considerations which should guide this inquiry would benefit from more input from Town Meeting.

Mr. LeBlanc asked whether there would be panels at the first-floor level. The Chair said that was not in the current proposal. Mr. LeBlanc thought they would be appropriate, but he also understood the applicant’s concern about the porch becoming too busy. He says it looks like an addition today, and the changes proposed do help in addressing that issue. The Chair asked whether he would be in favor of a condition requesting panels at the first-floor level, and Mr. LeBlanc indicated he was. He explained that since this porch is much more solid than a traditional enclosed porch, he thought the additional panels would be justified in lieu of more windows.

The Chair asked Mr. Hanlon, the Vice Chair, if he would be willing to direct the drafting of a decision in favor of approval of the application. Mr. Hanlon replied that he would be pleased to do that.

The Chair then moved that the public hearing on docket 3863 – 15 Foster Street, Unit 1 be closed. Mr. Hanlon seconded the motion, which was approved unanimously by the Board. The members voting were Mr. Hanlon, Mr. Holi, Mr. LeBlanc, Mr. Baranowski, Mr. Rosenberg, and Mr. Klein, the Chair.

THE BOARD’S FINDINGS AND CONCLUSIONS

1. The applicant, Mr. Burns is the builder for ALP Ventures, LLC, the owner of the property at 15 Foster Street, in the R2 zoning district. The lot is nonconforming with respect to lot area and lot frontage., front yard setback, left side yard setback, and usable open space.

⁶ The Standard Conditions are set forth and briefly explained in Appendix C.

⁷ At the second session, the Board had contemplated a condition that the applicant revise the application to correct errors in the original submission. This was not raised a second time at this point in the hearing, but it is included in the final vote.

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2. The lot is improved with a two-family dwelling. The structure is nonconforming with respect to front yard depth, left side yard depth, and usable open space.
3. The applicants' house has an existing single-story porch with a deck above and steps leading from the porch to the street. It is located entirely in the required front setback. The applicant proposes to enclose the front porch, extend the enclosure to the second floor, and include a deck at the attic floor level. It would not change the horizontal dimensions of the existing structure.
4. Section 5.3.9.D of the Zoning Bylaw allows porches in a required setback to be enclosed by special permit. That section provides:

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.

5. Section 5.3.9.D does not contain any special regulations for the issuance of a special permit in the situations with which it deals. The Board must evaluate an application for a special permit under that section applying the general criteria for special permits in § 3.3.3 of the Zoning Bylaw.
6. That section 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 site and the proposal in relation to that site.”** The Board makes this overall finding as follows:
 - A. The Board does not discern any adverse effects from the proposed porch enclosures that rise to the point of outweighing the beneficial impacts. It will not generate traffic or endanger pedestrian safety. It will not overload the provision of municipal services. It will not adversely affect the environment in this sensitive area. It will not detract from the character of the neighborhood. It should blend in on a street with a ready mix of open and enclosed porches.
 - B. In particular, the main risk posed by enclosing porches in required setbacks is that doing so may undermine the purpose of the setback requirement, which, in the case of front yards, is to provide a consistent and appropriate space between buildings and the street. Foster Street, similar to many other streets in East Arlington, has houses set closer to the street than allowed by zoning. This compacted zone is further reduced by both open and enclosed porches. In this case, the enclosures of the existing porch and deck will maintain the small open front yard alongside the porch and provide a similar visual appearance to the existing porch. It will retain its compact footprint, and it will serve as an entrance and mudroom on the first floor.

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C. It is generally to the benefit of the neighborhood and the town if people can use their property in a way that best suits their needs. Here the enclosed porch will allow a modest expansion of living space, which provides a year-round benefit to the residents without discernable injury to the neighbors or the town.

7. In addition, § 3.3.3 requires the Board to find that the following criteria for granting a special permit are met.

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 applicants' proposed enclosure of the first floor porch and the extension through the second floor may be approved under § 5.3.9.D of the Zoning Bylaw provided that it meets the requirements of § 3.3.3.

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

The enclosed porch is desirable to the public convenience and welfare in that having additional space on the first floor for a mud room, closet, and half bath and on the second floor for closet space allows the applicants to better use the front porch for more of the year. The freedom to do that in a reasonable way that does not harm others or adversely affect the public interest makes Arlington more attractive as a community.

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

The applicants' enclosure of the porch would not generate any new traffic or affect congestion in any way. The porch is located away from the driveway, so any issue with pedestrian safety already exists and would not be increased by enclosing the current porch. Foster Street, moreover, is a street with moderate traffic and has a sidewalk for pedestrians, all of which mitigates any possible impact on pedestrian safety even with its close proximity to the Gibbs School.

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.

Enclosure of the applicant's porch will not significantly increase the demand on any municipal system and will not subject any use in the Town to any hazard affecting health, safety, or the general welfare.

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

There are no special regulations applicable to the proposal before the Board.

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 porch enclosure sought here will not impair the integrity or character of the zoning district or adjoining districts. As the Board saw from the images of the proposed enclosures, the proposed enclosure of the porches is generally in keeping with the appearance of the house and the street. The houses on Foster Street are primarily two-family homes and many have front porches on the first and second floors similar to this property. Several, including the homes immediately adjacent to the left and across the street, have enclosed porches, although different in approach to what the applicant is proposing. The Board feels that maintaining the enclosed porch in the present footprint together with the architectural and design elements helps it to retain its appearance as a distinct feature and not merely an enlargement of the house.

The Board does not believe that the proposed enclosure would have any adverse impact on the public health or welfare.

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.

Porches and other entry structures are common on Foster Street. Some are open, and some are closed. Converting the open porches to enclosed ones, as the applicant proposes, will not significantly alter the overall pattern. There will be no detrimental excess.

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 enclosure of the applicants' existing front porch, building upon the existing front deck, and related work subject to the conditions stated below:

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.

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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 applicant is to provide revised application correcting deficiencies discussed at the public hearing (proposed gross floor area, front yard depth, switching left and right side yard setback, rear yard depth, and maximum open space percentage) to the Inspectional Services Department for review.

5. The applicant is to make the following changes to the elevations presented on November 25, 2025 for review by the Building Inspector:

- The proposed second floor window on the front of the porch will remain. A single window similar to that window will be added to the right side of the porch. There will be no windows added to the left side of the porch.
- Below the deck will be a heavy trim board with vertical siding below on the front and sides. There will be a horizontal trim band in approximate alignment with the window sill on the front and sides. Below that line will be larger flat panels with vertical battens between the panels, again on three sides. At the level of the floor on the second level, there will be a heavier soffit band that protrudes from the wall of the porch.
- The first floor of the porch will have vertical siding matching the level above. This will extend to a horizontal trim band aligned with the top of the existing brick masonry on the right side and extending around all three sides. The existing brick masonry will remain on the right side of the porch. The front and left sides will have larger flat panels with vertical battens in line with the existing brick masonry and similar to the similar treatment at the second-floor level.
- On the front of the existing house, the brick masonry will remain below the height of the existing window and align with the brick on the right side of the addition. Above the brick, the existing horizontal clapboard siding will be extended down to the top of the brick.

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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: Christian Klein (Chair), Patrick Hanlon, Venket Holi, Adam LeBlanc, and Bradley Baranowski. (Mr. DuPont was not present at all sessions of the hearing.)

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APPENDIX A: DOCUMENTS BEFORE THE BOARD

1. Legal Advertisement
2. Special Permit Application SP-25-22
3. Abutter list and map
4. Existing Site Plan dated May 13, 2025
5. Building Plans dated February 17, 2025
6. Existing Elevations dated December, 2024
7. Revised Elevations submitted November 25, 2025

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APPENDIX B: DEFINITIONS

“Applicant” means Andrew Burns.

“Owner” means ALP Ventures, LLC.

“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 May 8, 2024.

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.

3872 15 Foster Street, Unit 1

APPENDIX D: EXHIBITS



Proposed Front Elevation Presented November 25, 2025



Proposed Partial Side Elevations Presented November 25, 2025