



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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PLANNING DIVISION

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ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2015-109**  
**Site: 1157-1161 Broadway**  
**Date of Decision: January 20, 2016**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: February 3, 2016**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Devon S. Trevelyan
<b>Applicant Address:</b>	1284 Beacon Street, #316, Brookline, MA 02446
<b>Property Owner Name:</b>	Dionysos Realty Trust
<b>Property Owner Address:</b>	7 Oliver Street, Everett, MA 02149
<b>Agent Name:</b>	N/A

Legal Notice: Applicant Devon S. Trevelyan, and Owner Dionysos Realty Trust, seek a special permit to convert from a Business Services Use, to an establishment for the sale and playing of board games, that will also serve food and drinks, and for parking relief..

<u>Zoning District/Ward:</u>	NB zone/Ward 7
<u>Date of Application:</u>	December 16, 2015
<u>Date(s) of Public Hearing:</u>	January 20, 2016
<u>Date of Decision:</u>	January 20, 2016
<u>Vote:</u>	5-0

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Appeal #ZBA 2015-109 was opened before the Zoning Board of Appeals at Somerville City Hall on January 20, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The Applicant is proposing to occupy the 750sf storefront located at 1159 Broadway, and change the use from a hair salon to a store selling board games, and providing seating for people to play board games, and also to provide refreshments for players. The Applicant already operates an establishment of the same name (Knight Moves) in Brookline, MA. The Brookline Knight Moves offers a monthly membership for \$40 that provides unlimited access to the game library. The Brookline establishment offers the following 'provisions' coffee and tea for \$2; fresh-baked pastries for \$3, root beer and espresso drinks for \$4, grilled cheese, individual cheese plates and Nutella milkshakes for \$5, and a large cheese plate for \$10. There will be two employees, and hours will be seven days a week in the afternoons and evenings. Physical changes include the reconfiguration of several interior walls, and the addition of seating (17 seats) and tables for playing board games, and the addition of a small coffee bar.

**FINDINGS FOR SPECIAL PERMIT (SZO §7.11.6; 9.5):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. **Compliance with Standards:** *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The Applicant requires a Special permit to change uses to a recreational use (games) per SZO table of permitted uses 7.11.6. This changes the parking requirement under SZO Section 9, and requires that the Applicant apply for parking relief of 3 spaces per SZO Section 9.4.

In considering a special permit under §5.1 of the SZO, the Board finds that the alterations or use proposed would not be substantially more detrimental to the neighborhood than the existing structure or use.

3. **Consistency with Purposes:** *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City. The proposal is consistent with the purpose of the district, which is, 6.1.4. NB - Neighborhood Business Districts: to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.

4. **Site and Area Compatibility:** *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The site is located in Teele Square, and borders a residential district close to Tufts University.

No impacts are anticipated as a result of the change in use or physical alterations to the interior. The continued commercial use of this storefront is compatible with the neighborhood. The establishment will likely attract a



younger college-age crowd that will arrive by foot or bicycle to play board games with their friends. This seems highly compatible with the Teele Square, Davis Square, and Tufts University demographics.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

No negative environmental impacts are anticipated as a result of the change in use.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

No negative impacts to vehicular or pedestrian circulation are anticipated as a result of the change in use.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

8. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

No impact anticipated.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Anne Brockelman with Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
	Approval is for the establishment of a Board Game Cafe. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 16, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	December 16, 2015	Initial application submitted to the City Clerk's Office	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission							
December 16, 2015	Initial application submitted to the City Clerk's Office							
<b>Construction Impacts</b>								
	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.					
	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed				
	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW					
	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P					
<b>Public Safety</b>								
	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP					
<b>Signage</b>								
	Signage Subject to approval by Planning Staff	CO/Cont.	Plng.					
<b>Final Sign-Off</b>								



	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Elaine Severino  
Josh Safdie  
Anne Brockelman (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

