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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**AMENDMENT TO DECISION
July 11, 2024**

**Needham High School
609 Webster Street
Application No. 2004-01
(Original Decision dated April 6, 2004,
amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016,
August 9, 2016, November 28, 2017 and August 7, 2018)**

Decision of the Planning Board (hereinafter referred to as the Board) on the Petition of the Town of Needham, 500 Dedham Avenue, Needham, Massachusetts (hereinafter referred to as the Petitioner) for property located at 609 Webster Street, Needham, Massachusetts. Said property is shown on Needham Town Assessor's Map 226, Parcel 10 containing 14.15 acres in the Single Residence B District.

This decision is in response to an application submitted to the Board on February 27, 2024, by the Petitioner for an amendment of Major Project Site Plan Special Permit No. 2004-01 issued by the Board on April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018. The requested Major Project Site Plan Special Permit Amendment would, if granted, amend the previously approved permit and plans to include the renovation of four (4) existing tennis courts, the addition of four (4) new tennis courts, installation of stormwater management improvements, ADA accessible walkways, and landscape improvements. The present application is for further Site Plan Review of the Major Project Site Plan Special Permit No. 2004-01, dated April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018; the initial Site Plan Review of this project was Major Project Site Plan Special Permit No. 00-1, dated May 8, 2000. (Note: The April 6, 2004 special permit amended the May 8, 2000 special permit and assigned a new permit number namely 2004-01 to the site.)

In accordance with Major Project Site Plan Special Permit No. 2004-01, Section 4.2, further site plan approval is required.

After causing notice of the time and place of the public hearing and of the subject matter hereof to be published, posted and mailed to the Petitioner, abutters and other parties-in-interest as required by law, the hearing was called to order by the Vice Chairperson, Natasha Espada, on Tuesday, March 19, 2024, at 7:00 PM in the Public Services Administration Building, Charles River Room, 500 Dedham Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. The hearing was immediately continued without any testimony taken on March 19, 2024 to Tuesday, April 2, 2024, at 7:45 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Wednesday, April 24, 2024, at 7:30 p.m. in the Charles River Room at the Public Services

Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Tuesday, May 14, 2024, at 7:45 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was immediately continued without any testimony taken on May 14, 2024 to Tuesday, June 4, 2024, at 7:30 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. Board members Adam Block, Natasha Espada, Paul S. Alpert, Jeanne S. McKnight and Artie Crocker were present throughout the April 2, 2024 proceedings. On April 9, 2024, the members of the Board changed due to a local election. Board members Adam Block, Natasha Espada, Paul S. Alpert, Artie Crocker and Justin McCullen were present throughout the April 24, 2024 and June 4, 2024 proceedings. Adam Block chaired the first two hearings of April 2, 2024 and April 24, 2024; the Board reorganized on June 4, 2024 and Natasha Espada chaired the June 4, 2024 hearing. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Justin McCullen examined all evidence received at the missed session and listened to an audio recording of the April 2, 2024 meeting. The record of the proceedings and the submission upon which this decision is based may be obtained from the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1 - Application Form for Site Plan Review completed by the applicant date stamped by the Town Clerk February 27, 2024.
- Exhibit 2 - Letter from Chris Heep, Town Counsel, dated February 26, 2024.
- Exhibit 3 - Plan set entitled "Town Of Needham, Needham High School, Tennis Court Renovation" prepared by Activitas, 70 Milton Street, Dedham, MA 02026, consisting of 9 sheets: Sheet 1, Cover Sheet, dated February 6, 2024; Sheet 2, Sheet EX1.1, entitled "Existing Conditions Plan," dated February 6, 2024; Sheet 3, Sheet SP1.1, entitled "Site Preparation Plan," dated February 6, 2024; Sheet 4, Sheet SP1.2, entitled "Site Preparation Detail Sheet," dated February 6, 2024; Sheet 5, Sheet L1.1, entitled "Layout and Materials Plan," dated February 6, 2024; Sheet 6, Sheet L2.1, entitled "Grading and Utility Plan," dated February 6, 2024; Sheet 7, Sheet L3.1, entitled "Detail Sheet I," dated February 6, 2024; Sheet 8, Sheet L3.2, entitled "Detail Sheet II," dated February 6, 2024; Sheet 9, Sheet L3.3, entitled "Detail Sheet II," dated February 6, 2024.
- Exhibit 4 - Stormwater Management And Erosion Control Report, prepared by Activitas, 70 Milton Street, Dedham, MA 02026, dated February 6, 2024.
- Exhibit 5 - Letter from Dr. Harriet Dann, 41 Rosemary Street, undated.
- Exhibit 6 - Letter from Nancy O'Leary, 46 Rosemary Street, undated.
- Exhibit 7 - Letter from Barbara FitzGerald, 28-30 Rosemary Street, dated March 27, 2024.
- Exhibit 8 - Letter from Ross and Julie Dananberg, 36 Rosemary Street, undated.
- Exhibit 9 - Email from Lauren Downey, 25 Rosemary Street, dated March 27, 2024.
- Exhibit 10 - Letter from Chris and Linda Kilburn-Peterson, 24 Rosemary Street, undated.
- Exhibit 11 - Email from Ellen and Jim Dudley, dated April 3, 2024.

- Exhibit 12 - Letter from Ryan Madden, Director of Athletics, Needham Public Schools, dated April 5, 2024.
- Exhibit 13 - Letter from Rosemary and Webster Street Neighbors (Julie and Ross Dananberg 36 Rosemary St; Nancy O'Leary 46 Rosemary St; Linda and Christopher Kilburn-Peterson 24 Rosemary St; Barbara FitzGerald 28-30 Rosemary St.; Harriet Dann 41 Rosemary St), dated April 10, 2024.
- Exhibit 14 - Email from Paul Siegenthaler, 1049 Webster Street, dated April 22, 2024, with Attachments: (1) presentation he produced in 2022 for the Park and Recreation Commission and the Town Manager's office; and (2) letter he sent to Town Administration regarding safety concerns should tennis and pickleball continue to coincide on the same courts, dated April 25, 2023.
- Exhibit 15 - Memorandum from Stacey Mulroy, Director of Park and Recreation, Town of Needham, dated April 24, 2024.
- Exhibit 16 - Presentation from Petitioner shown at the April 24, 2024 public hearing.
- Exhibit 17 - Email from Jeremy Chao, dated April 24, 2024.
- Exhibit 18 - Letter from Ross and Julie Dananberg, 36 Rosemary Street, dated April 29, 2024.
- Exhibit 19 - Email from Alexandra and Ben Etscovitz, dated April 29, 2024.
- Exhibit 20 - Email from Jessie Cawley, 305 Warren Street, dated April 30, 2024.
- Exhibit 21 - Email response from Carys Lustig, Director, Department of Public Works, dated April 29, 2024.
- Exhibit 22 - Letter from Chris Heep, Town Counsel, dated May 28, 2024.
- Exhibit 23 - Plan set entitled "Town Of Needham, Needham High School, Tennis Court Renovation" prepared by Activitas, 70 Milton Street, Dedham, MA 02026, consisting of 11 sheets: Sheet 1, Cover Sheet, dated February 6, 2024, revised May 22, 2024; Sheet 2, Sheet EX1.1, entitled "Existing Conditions Plan," dated February 6, 2024, revised May 22, 2024; Sheet 3, Sheet SP1.1, entitled "Site Preparation Plan," dated February 6, 2024, revised May 22, 2024; Sheet 4, Sheet SP1.2, entitled "Site Preparation Detail Sheet," dated February 6, 2024, revised May 22, 2024; Sheet 5, Sheet L1.1, entitled "Layout and Materials Plan," dated February 6, 2024, revised May 22, 2024; Sheet 6, Sheet L2.1, entitled "Grading and Utility Plan," dated February 6, 2024, revised May 22, 2024; Sheet 7, Sheet L3.1, entitled "Detail Sheet I," dated February 6, 2024, revised May 22, 2024; Sheet 8, Sheet L3.1, entitled "Detail Sheet I," dated February 6, 2024, revised May 22, 2024; Sheet 9, Sheet L4.2, entitled "Detail Sheet II," dated February 6, 2024, revised May 22, 2024; Sheet 10, Sheet L4.3, entitled "Detail Sheet III," dated February 6, 2024, revised May 22, 2024; Sheet 11, Sheet L4.4, entitled "Detail Sheet IV," dated February 6, 2024, revised May 22, 2024.
- Exhibit 24 - Email from Nicole Hagler, dated June 4, 2024.
- Exhibit 25 - Email from Natalie Spring, dated June 4, 2024.

Exhibit 26 - Presentation from Petitioner shown at the June 4, 2024 public hearing.

Exhibit 27 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, Department of Public Works, dated March 13, 2024; IDC to the Board from Police Chief, John Schlittler, Needham Police Department, dated February 28, 2024; IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated March 12, 2024; IDC to the Board from Joe Prondak, Building Commissioner, Building Department, dated February 29, 2024; IDC to the Board from Tara Gurge, Assistant Public Health Director, Needham Health Department, dated March 4, 2024; and IDC to the Board from Edward Olsen, Superintendent of Parks and Forestry, dated March 8, 2024; and IDC to the Board from Justin Savignano, Assistant Town Engineer, Department of Public Works, dated May 30, 2024.

Exhibits 1, 2, 4, 22 and 23 are referred to as The Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The Petitioner Town of Needham is seeking to modify Major Project Site Plan Special Permit No. 2004-01 issued April 6, 2004 as amended as follows: to include within the scope of the permit and approved plans the renovation of four (4) existing tennis courts, the addition of four (4) new tennis courts, installation of stormwater management improvements, ADA accessible walkways, and landscape improvements. Pursuant to the Decision (Original Decision and all Amendments), the Board issued a Major Project Site Plan Special Permit under Section 7.4 of the By-law.
- 1.2 The site, in addition to the High School building and driveways, currently has four tennis/basketball courts, one multipurpose athletic field and 438 on-site parking spaces, together with trees, landscaping and lawns.
- 1.3 The current proposal is for the renovation of four (4) existing tennis courts, the addition of four (4) new tennis courts, installation of stormwater management improvements, ADA accessible walkways, and landscape improvements. The current application does not propose any new buildings, does not involve any changes to the existing parking or vehicular circulation, and does not involve any structural changes to the High School building itself. No lighting is proposed.
- 1.4 The key features of the new tennis courts include the following:
 - a) The High School proposes the addition of four new tennis courts, bringing the total number of courts from four (4) to eight (8). The existing four (4) tennis courts are also proposed to be renovated and upgraded to match the newly installed courts.
 - b) The site will feature new concrete sidewalks and a set of granite stairs leading to the new court area that will provide pedestrian access from the parking lot to all eight courts. The first iteration of the proposal included a centrally located patio to be installed between the original and new courts covered by a raised shade; however, during the hearing process, this component was removed from the project.

- c) The courts will be secured by typical 4-foot and 12-foot chain link fences that enclose four sets of courts (two courts in each fenced in set) that provide entry through gates accessible from the new walkways.

1.5 The Petitioner made the following changes during the hearing process:

- a) The tennis courts were redesigned to be parallel to the existing courts, as close as possible to the parking lot while still being able to accommodate the pedestrian access and subsurface drainage improvements.
- b) The Petitioner added a wall of 5-to-8-foot evergreen plantings along the northerly property line to provide a visual buffer between the tennis courts and the residential properties on that side. A new planting plan (Sheet L3.1) was added to the plan set to show the location and spacing of the proposed plantings.
- c) The westernmost set of the two (2) new tennis courts has been moved 6 feet closer to the parking lot, while maintaining the alignment of those courts with the six (6) adjacent courts included in this project. This results in these two (2) new courts being placed a distance of 35 feet from the property line at the nearest point.
- d) The other set of two (2) new tennis courts (those located adjacent to the replacement courts) are now 38 feet from the property line at the nearest point; these courts cannot be moved closer to the parking lot because a portion of the proposed drainage system will be installed and maintained within the intervening lawn area. See Sheet L2.1 Grading and Utility Plan. To allow for long term maintenance, these subsurface drainage improvements must be placed outside the footprint of the tennis courts.
- e) The chain link fence along the easterly side of the four (4) replacement tennis courts has been raised from 12' to 14' to provide for greater shielding of abutting properties from errant tennis balls.
- f) The Petitioner also proposed a condition that the courts be limited to the use of tennis only (no pickleball) and only during the hours of 7:00 a.m. through 8:00 p.m.

1.6 The Board finds that the proposed project is in harmony with the general purpose and intent of the By-Law. The site is presently developed as Needham High School, with four hundred thirty-eight (438) on-site parking spaces and one hundred sixteen (116) provided off-site at the adjacent Memorial Park parking lot. There are 4 existing tennis courts; this proposal will result in a total of 8 tennis courts at completion, as well as pedestrian pathways and subsurface drainage improvements.

1.7 The site is appropriate for use. There are already 4 tennis courts located at Needham High School. The proposed additional courts are in the same vicinity as the existing courts outside of the 25-foot side and rear setback required in the Single Residence B zoning district.

1.8 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly has been assured. The project does not alter the parking lot other than installing new granite curbing in the areas adjacent to where the walkways will be installed. The new sidewalks will improve pedestrian movement at the site and will provide safe and convenient access to all courts and court entrances.

- 1.9 The adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. A portion of the site is already in use as tennis courts, and the redesign of the site does not create any detrimental impacts on the surrounding area. The High School is not proposing any lighting associated with the tennis courts and the site will be improved with an underground drain line, area drains, and a new infiltration system within the parking lot area designed to keep water on the Property with no negative impact on neighboring land.
- 1.10 Adequate methods for disposal of refuse and waste will be provided. The project is not a major generator of refuse and other wastes, and the volume of refuse generated is not anticipated to increase relative to the current use of the tennis courts. Disposal will be in accordance with applicable law and established practice for this site.
- 1.11 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already in use as the High School's tennis courts, and the redesign and renovation of the space will not create any new impacts on the Town's water supply and distribution system, sewer, fire protection or streets. The Stormwater Management and Erosion Controls Report submitted with this application details the mitigation provided to address the construction of the new tennis courts.
- 1.12 The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The plans do not propose adding to or altering the High School parking lot in any way other than providing access to the site by way of the new sidewalks, and the temporary disturbance for the installation of the subsurface infiltration system.
- 1.13 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with the requirements of the By-Law. This site is presently developed as a public high school. The tennis courts are designed with careful consideration of existing structures and open space and will fit within the general character of the High School property. In particular, the four (4) renovated courts will be in the same location on the High School property as the existing courts. The four (4) new courts will be located outside of the 25-foot side and rear setback required in the Single Residence B zoning district, thus there will be no encroachment or crowding of adjoining property owners' land. The land surrounding the tennis courts will be improved with new walkways, benches, and a patio to encourage use of the tennis courts and to provide convenient access and an enjoyable environment for the students and spectators.
- 1.14 The Board finds that the proposed project is in harmony with the general purpose and intent of the By-Law, and in harmony with the specific purposes and intent of the By-Law regarding the Single Residence B District. The proposal enhances the existing tennis courts and surrounding areas, as well as adding additional courts.
- 1.15 The Board finds that all of its findings and conclusions contained in Major Project Site Plan Special Permit No. 2004-01, issued to Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, Massachusetts, on April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018, are applicable to this amendment, except as specifically set forth in this amendment.

- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit Amendment may be granted in the Single Residence B zoning district if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. Based on the above findings and criteria, the Board finds that the proposed development plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Amendment to Major Project Site Plan Special Permit Under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2004-01, dated April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018, subject to and with the benefit of the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the start of any construction on the Site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not permit any construction activity on the Site to begin on the Site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall permit for any construction on the Site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the commencement of construction.

- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
- a) No Plan Modifications required.

DECISION

The Board hereby approves the requested amendment as described under Exhibits 1, 2, 4, 22 and 23 of this decision. The plans described under Exhibits 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 of Major Project Site Plan Special Permit No. 2004-01 issued by the Board on April 6, 2004 as modified therein, in addition to the plans described under Exhibits 3 and 5 of the October 27, 2015 Decision and the plans described under Exhibit 4 of November 28, 2017 Decision, and the Plans described in Exhibit 23 of this Decision, constitute the final approved Plan set for this project.

CONDITIONS AND LIMITATIONS

The conditions and limitation made in Major Project Site Plan Special Permit No. 2004-01 issued by the Board on April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018 were ratified and confirmed except as noted below. The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.14 hereof.

- 3.1 The proposed tennis courts, concrete sidewalks, granite stairs, plantings and extended fencing shall contain the dimensions and be located on that portion of the site exactly as shown on the Plan, and in accordance with applicable dimensional requirements of the By-Law.
- 3.2 No pickleball shall be permitted on any of the eight tennis courts.
- 3.3 Utilization of the courts shall be limited to the hours of 7:00 a.m. through 8:00 p.m.
- 3.4 Signage shall be installed to inform users of the regulations as stated in Conditions 3.2 and 3.3 in this Decision (and any other rules per Park and Recreation Department), as well as provide information of who to inform if the rules are not followed. There shall be a minimum of four such signs with this information, dispersed throughout the site and made visible to users.
- 3.5 The maintenance of the site, and in particular, the tennis courts and landscaping, shall be the responsibility of the Petitioner and the site shall be maintained in good condition.
- 3.6 In constructing and operating the proposed tennis courts, sidewalks, granite stairs, plantings and extended fencing on the property pursuant to this decision, due diligence shall be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.7 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the property, shall be removed from the property.
- 3.8 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on-site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the commencement of construction at the site and shall be subject to the review and approval of the Building Commissioner.
- 3.9 The following interim safeguards shall be implemented during construction:
 - a) The hours of any exterior construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project property which require excavation or otherwise pose a danger to public safety.
 - c) The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue, Webster Street or Rosemary Street.
 - d) The Petitioner shall take the appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Highland Avenue,

Webster Street, and Rosemary Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

3.10 No construction in the pursuance of this approval shall commence until:

- a) The final plans shall be in conformity with those previously approved by the Board, of which approval has been incorporated herein by reference, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
- b) A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
- c) The Petitioner shall have recorded with the Norfolk Registry of Deeds a certified copy of this approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

3.11 No portion of the project approved by this decision shall be occupied or used until:

- a) An as-built plan supplied by the engineer of record certifying that the project was built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the tennis courts, sidewalks, granite stairs, and extended fencing, all finished grades and final construction details in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
- b) There shall be filed, with the Building Commissioner and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the tennis courts, drainage systems, utility installations, and sidewalk and curbing improvements on-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the Project.
- c) There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material and final landscape features for the project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
- d) There shall be filed with the Board and Building Commissioner a Certificate of Compliance signed by the project engineer upon completion of construction of the project.
- e) Signage as noted in Section 3.4 shall have been erected.

3.12 In addition to the provisions of this Decision, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

3.13 The Petitioner, by accepting this permit decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.

- 3.14 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this Application. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.
- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse with respect to the Project on July 11, 2026 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to July 11, 2026. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing.
- 4.7 This Decision shall be recorded at the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 11th day of July, 2024.

NEEDHAM PLANNING BOARD

Natasha Espada
Natasha Espada, Chairperson

Artie Crocker, Vice Chairperson

Adam Block
Adam Block

Paul S. Alpert

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

July 11, 2024

On this 11 day of July, 2024, before me, the undersigned notary public, personally appeared Natasha Espada, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alexandra Cree
Notary Public Alexandra Cree
My Commission Expires: March 9, 2029

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Town of Needham, 1471 Highland Avenue, Needham, MA, for Property located at 609 Webster Street, Needham, Massachusetts, shown on Assessor's Map No. 226, Parcel 10, has passed,

 and there have been no appeals filed in the Office of the Town Clerk or
 there has been an appeal filed.

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Commissioner
Director, PWD
Board of Health
Conservation Commission

Select Board
Engineering
Fire Department
Police Department
Christopher Heep, Town Counsel
Parties in Interest