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PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

AMENDMENT OF DECISION

MAJOR PROJECT SITE PLAN SPECIAL PERMIT

Blue Restaurant Needham, LLC

882-886 and 890 Highland Avenue

Application No. 2005-05 July 11, 2024

(Original Decision dated September 20, 2005, amended May 9, 2006)

Decision of the Planning Board (hereinafter referred to as the "Board") on the petition of Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492 (hereinafter referred to as the Petitioner), for property located at 882-886 and 890 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 69, Parcel 60 containing 4,540 square feet and Parcel 59 containing 4,765 square feet in the Avery Square Business District.

This decision is in response to an application submitted to the Board on April 23, 2024, with a revised application submitted on May 16, 2024, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006; (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Avery Square Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to the restaurant; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the Zoning By Law (Off Street Parking Requirements).

By decision dated September 20, 2005, filed with the Town Clerk on September 21, 2005, Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted zoning relief for the redevelopment of approximately 3,420 square feet of first floor space and 3,170 square feet of basement space located at 882-886 Highland for a restaurant containing 137 seats with take-out capability. By decision dated May 9, 2006, filed with the Town Clerk on May 10, 2006, Amendment to Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted authorization to change the owners name and d/b/a name from Walkey Sullivan, LLC, d/b/a Mount Blue, 26 Worcester Street, Unit 502, Boston, MA 02118 to Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030. The Petitioner now seeks to amend the decision of September 20, 2005, amended May 9, 2006 to expand the existing restaurant (located at 882-886 highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue. The restaurant has existed since 2005. The expansion will include 40 seats, a service area and a bathroom. Accordingly with this addition the restaurant seating capacity would be increased by 40 seats for a total 177-person seating capacity.

Additionally, the Petitioner is requesting that the permit and subsequent amendments be transferred from Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030 to Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492.

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 Chairperson, Natasha Espada, on Tuesday, June 4, 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 continued to Tuesday, June 18, 2024, at 7:40 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 June 18, 2024 to Thursday, July 11, 2024, at 7:00 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, Natasha Espada, Artie Crocker, Paul Alpert, Adam Block and Justin McCullen were present throughout the June 4, 2024 and July 11, 2024 proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in 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 for Further Site Plan Review, completed by the applicant dated April 23, 2024 and revised May 16, 2024 and July 11, 2024.
- Exhibit 2 - Three letters from Attorney Thomas Miller, dated April 22, 2024, May 2, 2024 and July 9, 2024.
- Exhibit 3 - Assessors Property Card.
- Exhibit 4 - As-Built Plans consisting of 2 sheets: Sheet 1, Plan entitled "Basement & First Floor, As-Built Plans", Sheet No. AB-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006; Sheet 2, Plan entitled "As-Built Elevations", Sheet No. AB-2, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006.
- Exhibit 5 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated March 4, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated March 4, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated March 4, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated March 4, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated March 4, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated March 4, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated March 4, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated March 4, 2024; Sheet 9, Sheet A-5, entitled "Furniture Plan," dated May 1, 2024.
- Exhibit 6 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, Sheet A-2, entitled "Seating Plan," dated May 30, 2024.
- Exhibit 7 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan,"

dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 9, Sheet A-8, entitled "Proposed Furniture Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024.

Exhibit 8 - Design review Board Approval dated June 24, 2024.

Exhibit 9 - Interdepartmental Communication (IDC) to the Board from Justin Savignano, Assistant Town Engineer, dated May 29, 2024; IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated July 3, 2024; IDC to the Board from Chief John Schlittler, Needham Police Department, dated May 15, 2024; and IDC to the Board from Tara Gurge, Assistant Director of Public Health, dated May 30, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated May 31, 2024.

Exhibits 1, 2, 6 and 7 are referred to hereinafter 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 By decision dated September 20, 2005, filed with the Town Clerk on September 21, 2005, Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted zoning relief for the redevelopment of approximately 3,420 square feet of first floor and 3,170 square feet of basement space located at 882-886 Highland for a restaurant containing 137 seats with take-out capability. By decision dated May 9, 2006, filed with the Town Clerk on May 10, 2006, Amendment to Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted authorization to change the owners name and d/b/a name from Walkey Sullivan, LLC, d/b/a Mount Blue, 26 Worcester Street, Unit 502, Boston, MA 02118 to Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030. The findings and conclusions made in said Original Decisions are hereby ratified and confirmed except as indicated in this decision.
- 1.2 By application dated April 23, 2024 and revised May 16, 2024, the Petitioner submitted a request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue. The restaurant has existed since 2005. The expansion will include 40 seats, a service area and a bathroom. Accordingly with this addition the restaurant seating capacity will be increased by 40 seats for a total 177-person seating capacity. Additionally, the Petitioner is requesting that the permit and subsequent amendments be transferred from Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030 to Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492.
- 1.3 The existing 137-seat restaurant with accessory take-out capability currently operates seven (7) days a week, between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. and midnight on Friday and Saturday. Peak hours of operation are during the dinner hours. No change to the above-noted operational program is proposed for the expanded 177-person restaurant facility.

- 1.4 For the existing 137-seat restaurant with accessory take-out capability, the Petitioner may utilize the services of not more than 6 employees at any one time during the lunch period from 11:00 a.m., to 2:00 p.m. At all other times, the Petitioner may utilize the services of no more than 14 employees at any one time. For the expanded 177-seat restaurant facility the anticipated number of employees during the busiest nights may increase by up to four (4) staff members with one additional staff member at other times.
- 1.5 The Petitioner is proposing a new façade along the expanded portion of the building to match the existing restaurant façade. The Petitioner is proposing revising the storefront entrance by eliminating the angled recessed entry wall and building a flat wall with folding windows. The lower portion of the wall will be clapboards painted to match the adjacent brick wall color. The folding storefront windows will be dark bronze aluminum window. The Petitioner also proposes to replace the folding wood windows on the existing restaurant wall with the same aluminum framed folding system. The upper fascia wall is clad in corrugated metal. This wall extends across several storefronts on the building. It is proposed to be painted to match. Finally, the Petitioner will be adding an awning matching the existing adjacent awnings with a simple graphic outline.
- 1.6 The Petitioner appeared before the Design Review Board on June 24, 2024, and obtained approval for the project.
- 1.7 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 (number of parking spaces) and Section 5.1.3 (off-street parking requirements). The parking requirement for restaurants is 1 parking space per 3 seats, plus an additional 10 seats per take-out station. The parking requirement for the Original space pursuant to the By-Law is 56 spaces. There are a total of 3 on-street parking spaces that can be applied toward the required number of parking spaces (Section 5.1.1.7 of the By-Law). Therefore, the Petitioner previously requested and received a waiver to reduce the number of required on-site parking spaces from 53 spaces to 0 spaces. The proposed additional space requires 14 spaces under the By-Law for the proposed additional 40 seats ($1 \text{ space per every } 3 = 13.333 = 14$). The on-street parking spaces permitted to be counted under Section 5.1.1.7 have already been applied to this use. Therefore, the Petitioner has requested a waiver of an additional 14 spaces for the expansion for a total parking waiver at the property of 67 spaces.
- 1.8 Section 5.1.3 of the By-Law requires that the layout of all parking areas conform to the parking design requirements enumerated in Section 5.1.3. As there are no on-site parking spaces, the Petitioner has requested a Special Permit, pursuant to Section 5.1.1.5 of the By-Law, to waive strict adherence to the requirements of Section 5.1.3 of the Zoning By-Law.
- 1.9 The Petitioner has requested a Special Permit pursuant to Section 1.4.6 of the By-Law for the alteration of a nonconforming structure.
- 1.10 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the anticipated runoff. The site is presently fully developed and nothing further is required in the areas of sound and site buffers, preservation of views, light and air.
- 1.11 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. There is presently no off-street parking associated with the property, and that fact will remain unchanged. There is on-street parking available, and a municipal lot to the rear of the property on Mark Lee Road. The busiest time for

the restaurant is expected to be during dinner hour, during which time there will be less other commercial activity in the immediate area, and therefore more available parking. The restaurant will not be open for breakfast, so there will be no impact at all on the morning peak hour traffic on Highland Avenue and adjacent streets. The Petitioner will comply with all applicable regulations for the handicapped, minors and the elderly.

- 1.12 The proposed project will provide an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises. While there is no off-street parking associated with the site, there is a municipal parking lot on Mark Lee Road within walking distance of the property, and there are adequate on-street spaces to accommodate the proposed use. In addition, the MBTA lot across the railroad tracks is within walking distance and provides a large supply of additional parking spaces. As described above, the dinner hours expected to be the busiest portion of the day for Blue on Highland and the availability of parking at that hour is substantial. The proposed hours of operation for the expansion are 11:00 a.m. - 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. - midnight on weekends, which is the same as the existing restaurant space. The anticipated number of employees during the busiest nights may increase with the expansion by up to four (4) staff members and one staff member at other times.
- 1.13 Adequate methods for disposal of refuse and waste will be provided. The dumpsters are located at the rear of the property and are screened by fencing. The Petitioner has kept the dumpsters and enclosure in good shape and will continue to do so with the expansion. Refuse will be disposed of daily. The project's wastewater system is presently connected to the municipal sewerage system and will continue to do so.
- 1.14 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area in compliance with other requirements of the By-Law will be met. Since no change to the footprint of the building is proposed, the relationship of structures and open spaces to the natural landscaping, existing buildings, and other community assets will remain unchanged, and in compliance with other requirements of the By-Law. The exterior improvements to the facade of the building will be an amenity to the area. The space is very visible from Highland Avenue and acts as a gateway to Needham Heights. The present vacancy of such a visible location is detrimental to the neighborhood and the community in general.
- 1.15 The proposed expansion 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 fully developed, and the proposed use will not have an adverse impact on surrounding businesses but will provide availability for the increasing demand.
- 1.16 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. No additional off-street parking spaces are available due to the configuration of the lot and location of the buildings. It is not practical to create more parking spaces on the site.
- 1.17 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Avery Square Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. Based on the above findings and conclusions, the Board finds 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 and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

- 1.18 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter with accessory take-out in the Avery Square Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. Based on the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.19 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. Based on the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.20 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2 provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. Based on the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.
- 1.21 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. Based on the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006; (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Avery Square Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to the restaurant; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the Zoning By Law (Off Street Parking Requirements), subject to and with the benefit of the following conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or 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 issue any building permit nor shall he 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 issue any building permit or 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 issuance of a Building Permit.

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) If warranted by the Plumbing Code, a revised plan shall be provided showing the location of an additional restroom fixture.

CONDITIONS AND LIMITATIONS

3.0 The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006, are ratified and confirmed and deemed applicable to the expanded space at 890 Highland Avenue, except as follows:

3.1 Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006 is permitted to be transferred from Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030 to Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492.

This Special Permit to operate the restaurant at 882-886 and 890 Highland Avenue is issued to Blue Restaurant Needham, LLC, lessee, only, and may not be transferred, set over, or assigned by Blue Restaurant Needham, LLC, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

3.2 The building and other site features shall be constructed in accordance with the Plan. Any changes, revisions or modifications to the Plan shall require approval of the Board.

3.3 The use of the subject property shall be that of a full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter, containing no more than one hundred thirty-seven (137) seats in the space located at 882-886 Highland and forty (40) seats in the space located at 990 Highland Avenue. The sale of food and beverages for take-out as an accessory to full-service restaurant shall be permitted.

3.4 The restaurant as a whole shall contain no more than 177 seats for on-site food consumption and one take-out station.

3.5 The Petitioner may utilize the services of not more than 7 employees at any one time during the lunch period of 11:00 a.m. to 2:00 p.m. At all other times, the Petitioner may utilize the services of no more than 18 employees at any one time.

3.6 Any Condition in the Original Decisions dated September 20, 2005, amended May 9, 2006 not otherwise altered in this Decision remain in full effect.

3.7 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:

- a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.8 No building or structure, or portion thereof, subject to this Special Permits and Site Plan Approval shall be occupied until:
- a. An as built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - b. That there shall be filed, with the Building Commissioner, a statement by the Board approving the as-built plan for the restaurant facility, in accordance with this Decision and the approved Plan.

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 improvements, which are the subject of this petition. All construction to be conducted on 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 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. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This approval shall be recorded in 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 on 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 the 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

Adam Block
Adam Block

Paul S. Apert
Paul S. Apert

Justin McCullen
Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

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 me, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

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

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by Blue Restaurant Needham LLC, for property located at 882-886 and 890 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
Thomas P. Miller, Jr., Attorney

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest