



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

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DECISION
July 11, 2024

MAJOR PROJECT SITE PLAN SPECIAL PERMIT
WR Noodle Group, Inc. (President Ray Zheng)
998 Great Plain Avenue
Application No. 2024-02

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of WR Noodle Group, Inc., Ray Zheng, President, 247 Newbury Street, Boston, MA, 02116 (hereinafter referred to as the Petitioner), for the property located at 998 Great Plain Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 47, Parcel 66 containing 3,654 square feet in the Center Business Zoning District.

This Decision is in response to an application submitted to the Board on May 9, 2024, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (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 Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant serving meals for consumption on the premises; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a lawful, pre-existing, non-conforming, structure, if applicable; and (6) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to renovate the former retail space located at 998 Great Plain Avenue, Needham, Massachusetts, for use as a full-service noodle restaurant with 36 seats and a takeout station.

After causing notice of the time and place of the public hearing and of the subject matter thereof 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 18, 2024, at 7:00 PM in the Select Board's Chambers, Needham Town Hall, 1471 Highland Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen were present throughout the proceedings. The record of the proceedings and the submissions 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 Properly executed application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law, for 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 Center Business District, for a Special Permit under

Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant use, for a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot, for a Special Permit under Section 1.4.6 of the By-Law for the change and/or extension of a lawful, pre-existing, non-conforming, use or building, if applicable, and, for a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), said application dated May 9, 2024, with Addendum A.

- Exhibit 2** Authorization Letter from Jeffrey A. Katz and Gary M. Katz, Trustees, AJ Realty Trust, dated April 17, 2024.
- Exhibit 3** Letters from Attorney George Giunta Jr., dated May 2, 2024 and July 1, 2024.
- Exhibit 4** Plans prepared by Up Design & Build, LLC, consisting of 11 sheets: Sheet 1, Sheet A000, Cover Sheet, dated April 12, 2024; Sheet 2, Sheet A001, entitled "General Notes," dated April 12, 2024; Sheet 3, Sheet A101, entitled "First Floor - Existing Floor Plan," dated April 12, 2024; Sheet 4, Sheet A102, entitled "First Floor - Proposed Floor Plan," dated April 12, 2024; Sheet 5, Sheet A201, entitled "Basement - Existing Plan," dated April 12, 2024; Sheet 6, Sheet A202, entitled "Basement – Proposed Plan," dated April 12, 2024; Sheet 7, Sheet A301, entitled "Existing RCP – 1st Ceiling Plan," dated April 12, 2024; Sheet 8, Sheet A302, entitled "Proposed RCP – 1st Ceiling Plan," dated April 12, 2024; Sheet 9, Sheet A401, entitled "Enlarged Plans and Interior Elevations," dated April 12, 2024; Sheet 10, Sheet A402, entitled "Interior Elevations & Entry," dated April 12, 2024; Sheet 11, Sheet A601, entitled "Life Safety Plan," dated April 12, 2024.
- Exhibit 5** Dumpster location information prepared by Attorney George Giunta Jr. consisting of two sheets.
- Exhibit 6** Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, dated June 14, 2024; IDC to the Board from Tara Gurge, Health Department, dated June 12, 2024; IDC to the Board from Chief Dennis Condon, Needham Fire Department, dated July 1, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated May 17, 2024; and IDC to the Board from Chief John Schlittler, Needham Police Department, dated May 16, 2024.

Exhibits 1, 2, 3, 4 and 5 are referred to hereinafter as the Plan.

FINDING AND CONCLUSIONS

- 1.1 The premises, which is commonly identified as 998 Great Plain Avenue, is located within an existing building in the Center Business District. The property on which the building is located is identified as Parcel 66 on Town of Needham Assessor's Map No. 47 and contains approximately 3,654 square feet of land area. The premises consists of 1,387 square feet of commercial space on the first floor and 1,404 square feet of space in the basement. It was most recently used for retail purposes in connection with the former Harvey's Hardware. Before that it was used for a variety of different purposes, including as a delicatessen and a Brigham's Ice Cream store.
- 1.2 The Petitioner seeks the zoning relief that is necessary to renovate the subject premises to make same suitable for use as a full service, eat-in restaurant, with 36 total seats; with accessory take-out and catering. The Petitioner currently owns and operates two noodle restaurants in Boston:

one at 247 Newbury Street, which opened in 2016, and another at 144 Tremont Street, which opened in 2018. It now plans to open a third location in Needham at the premises. The menu will feature noodle soups, ramen, and a variety of side dishes as well as various beverages, generally consistent with the items offered at the existing two locations.

- 1.3 The Petitioner proposes to operate the restaurant 7 (seven) days a week for lunch and dinner from 11:00 a.m. to 9:30 p.m. The Petitioner proposes to utilize the services of no more than four (4) employees on-site at any one time, although on average, staffing will vary between three (3) and four (4) employees depending on demand and shift.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for a 36-seat restaurant with one take-out station is 22 (1 parking space per 3 seats, plus 10 parking spaces for one take-out station). Accordingly, a waiver for 22 parking spaces has been requested. No parking is provided on-site.
- 1.5 The prior use of the premises for retail purposes required a total of 7 spaces, calculated as follows: 1,387 square feet of first floor retail space @ 1 space / 300 square feet = 4.62 = 5 spaces (rounded up), 1,404 square feet of basement storage space @ 1 space / 850 square feet = 1.65 = 2 spaces (rounded up), for a total parking requirement of 7 spaces (5 + 2 = 7). The proposed restaurant will result in an increase in parking demand of 15 spaces, pursuant to Section 5.1.1.6 of the By-Law. Either full compliance or a parking waiver is required. As no parking is available on-site, a waiver for 22 parking spaces has been requested.
- 1.6 Pursuant to Section 5.1.1.3 of the By-Law, no change or conversion of a use in a mixed-use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As there is no parking associated with the property, a waiver under the provisions of Section 5.1.1.6 is required.
- 1.7 The building and the property that contain the premises are both fully developed and have been pre-existing for many years, without room for any off-street parking. However, the Lincoln Street and School Street municipal parking lot, containing numerous off-street parking spaces, is located within close walking distance of the premises. In addition, there are numerous on-street parking spaces located on both sides of Great Plain Avenue in the vicinity of the premises.
- 1.8 The Petitioner will utilize either the existing common dumpster at the rear of the site that presently serves the existing tenants on the property, or one or more supplemental additional dumpsters will be added adjacent to the existing dumpster, if necessitated. The Petitioner will also add a grease barrel at the rear of the site if necessary. The Petitioner will be adding a recycling dumpster. The Petitioner also anticipates installation of a grease interceptor, interior to the space, as the type of food proposed to be provided warrants such an installation.
- 1.9 The Petitioner is not proposing façade renovations.
- 1.10 The site is appropriate for the use and the structure. The site is located on Great Plain Avenue between the intersections of Great Plain Avenue and Chestnut Street / Chapel Street and Dedham Avenue and is near other commercial uses.
- 1.11 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 use, light and air. No change

to the footprint of the building is proposed. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the existing 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.

- 1.12 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 building and property in which the premises is located are fully developed without any walkways or driveways. And while there is no parking available on site, the premises is near the municipal parking area and to numerous on-street parking spaces.
- 1.13 Adequate methods for the disposal of refuse and waste will be provided. The project's wastewater system will be connected to the municipal sewer system. The Petitioner proposes to utilize either the existing common dumpster at the rear of the site that presently serves the existing tenants on the property, or one or more supplemental additional dumpsters will be added adjacent to the existing dumpster, if necessitated as determined by the Board of Health. The Petitioner will also add a grease barrel at the rear of the site if necessary. The Petitioner will be adding a recycling dumpster to this shared facility. The Petitioner also anticipates installation of a grease interceptor, interior to the space, as the type of food proposed to be provided warrants such an installation.
- 1.14 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. The building and property containing the premises are fully developed and located within a long-standing commercial area. Therefore, the relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area, and compliance with other requirements of the By-Law will be met, as no material change to the footprint or layout of the building or property is proposed or contemplated. Furthermore, there are not any significant community assets in the area immediately adjoining the premises with the sole exception of the Town Hall and the Town Common, which are not anticipated to be materially affected by the proposed restaurant.
- 1.15 Mitigation of adverse impact on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets will be met as there will be no adverse impact on the Town's resources. This project involves the reuse of an existing leased space in the building. All applicable Board of Health regulations with respect to restaurant use will be complied with. The addition of this restaurant to Needham Center will have a positive impact on both Needham Center and the Town of Needham in general. The project will improve the aesthetics of the building, as the space is currently vacant, and will provide another amenity to Needham residents and visitors.
- 1.16 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. As described above there is no on-site parking but street parking is available as well as municipal lots near the premises. The premises is in Needham Center near the municipal parking lot located behind Great Plain Avenue and Chestnut Street and numerous on-street parking spaces are available. Whereas the premises has previously been used for other food service uses, including a delicatessen and ice cream store, the existing arrangement of parking and loading spaces is anticipated to be fully adequate for the proposed use.

- 1.17 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. Due to the configuration of the building and its location on the lot, it is impossible to comply with the provisions of the Zoning By-Law regarding off-street parking, as there are no on-site parking spaces.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Center 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. On the basis of 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.
- 1.19 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 in the Center 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.
- 1.20 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit for an accessory take-out operation incidental to a lawful restaurant principal use in the Center 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.
- 1.21 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.
- 1.22 Under Section 5.1.1.6 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 number of parking spaces required by Section 5.1.2 and/or the application of certain design requirements contained in Section 5.1.3, 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 neighborhoods inherent use.
- 1.23 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.

THEREFORE, the Board voted 5-0 to GRANT: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (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 Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant serving meals for consumption on the premises; (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 change and/or extension of a lawful, pre-existing, non-conforming, use or building, if applicable; and (6) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, 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) The Plan shall be revised to show the location of two dumpsters, one designated for trash and the other designated for recycling only, along with waste/oil grease containment (if applicable) as required by the Board of Health. These dumpsters shall be placed in an accessible area behind the building, with the location marked on the ground, and in a location which does not block any existing means of building access or any window location of adjacent premises.

CONDITIONS

- 3.0 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 3.22 hereof.
- 3.1 The use of the subject property shall be that of a thirty-six (36) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter.

In addition, the Petitioner may operate one take-out station accessory to the primary restaurant use as well as a catering service.

- 3.2 The restaurant shall contain no more than 36 seats for on-site food consumption and one take-out station.
- 3.3 The restaurant may be open for business seven 7 (seven) days a week for lunch and dinner. The hours of operation shall be limited to 11:00 a.m. to 9:30 p.m. on all seven days. The restaurant may utilize the services of no more than four (4) employees at any one time.
- 3.4 No changes are proposed to the façade of the building.
- 3.5 The restaurant shall be located and constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board, except as provided in Section 3.6 below. Provided further, however, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed thirty-six (36).
- 3.6 The proposed restaurant shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Provided further, however, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed thirty-six (36).
- 3.7 The Petitioner shall purchase four (4) employee parking stickers from the Town of Needham for use in the Town's municipal parking lots and shall require its employees to park in the Chestnut Street Parking Lot whenever space is available in that lot. The off-site parking stickers shall be provided without cost to the employee and said employees utilizing off-street parking stickers shall be prohibited from parking in any location outside the Town's permitted parking area.
- 3.8 The waiver of parking requirements granted by this Decision is contingent upon the premises being used as described in this Decision and in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein.
- 3.9 All cooking facilities shall be properly vented so as not to create any disturbing odors. There shall be a provision for disposal of refuse, which shall be removed on a timely basis.
- 3.10 This Special Permit to operate the Noodle restaurant facility at 998 Great Plain Avenue is issued to WR Noodle Group, Inc., 247 Newbury Street, Boston, MA, 02116, prospective lessee only, and may not be transferred, set over, or assigned by WR Noodle Group, Inc., 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.
- 3.11 All loading and deliveries shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading and deliveries shall be permitted to occur from Chestnut Street. No loading or deliveries shall be permitted from Great Plain Avenue.
- 3.12 All solid waste associated with this project shall be removed from the site by a private contractor. The trash and recycle dumpster pick-up shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 7:00 a.m. and 1:00 p.m. Saturday, Sunday and Holidays. The trash shall be picked up no less than one day per week, or more frequently as

may reasonably be necessary to control accumulation and to ensure that no public health concerns develop. Trash pick-up shall be permitted to occur from Chestnut Street. No trash pick-up shall be permitted from Great Plain Avenue.

- 3.13 Additional trash and grease receptacles shall be provided, if required by the Planning Board or Board of Health, and the area shall be kept free of litter from the restaurant operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health Standards.
- 3.14 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.15 The Petitioner shall use due diligence and make reasonable efforts to prevent customers of the restaurant from parking illegally on Great Plain Avenue and Chestnut Street or from otherwise improperly disrupting the flow of traffic on either street while patronizing the restaurant.
- 3.16 That the following interim safeguards shall be implemented during construction:
 - a) The hours of construction shall be 7:30 a.m. to 6:00 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 site that 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 Great Plain Avenue and Dedham Avenue.
- 3.17 That no building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
 - a) The Petitioner shall submit seven copies of the final Plans as approved by the Board.
 - b) 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.
 - c) 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.
- 3.18 That no building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
 - a) A Certificate of Compliance and four copies of an as-built floor plan, signed by the registered architect of record certifying that the project was built according to the approved documents, have been submitted to the Board.

- b) There shall be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance and as-built floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
 - c) There shall be filed with the Board evidence that the requirements imposed in Section 3.7, the arrangements for the provision of the off-site employee parking stickers, have been satisfied.
 - d) There shall be filed with the Board, evidence that the requirements imposed by the Board of Health relative to dumpster location and installation, and waste/oil grease containment, have been met as shown on the Plan.
- 3.19 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, Select Board and Board of Health.
- 3.20 The portion of the building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Commissioner.
- 3.21 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, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.22 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 Petitioner of such violation and give the Petitioner 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, 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 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. However, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed thirty-six (36).

- 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 should 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 Review Special Permit 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.

