



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

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AMENDMENT TO DECISION
October 15, 2024

Major Project Site Plan Special Permit
Needham Senior Center
SPMP No. 2011-04

(Original Decision dated October 18, 2011,
amended February 21, 2012, September 3, 2013 and December 2, 2014)

Decision of the Planning Board (hereinafter referred to as the Board) on the Petition of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts (hereinafter referred to as the Petitioner) for property that is the location of the Center at the Heights at 300 Hillside Avenue, Needham, Massachusetts, shown on Assessor's Map 299, Parcel 14 containing 1.64 acres in the Hillside Avenue Business Zoning District.

This decision is in response to an application submitted to the Board on August 6, 2024, by the Petitioner for an amendment of Major Project Site Plan Special Permit No. 2011-04 issued by the Board on October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014. The requested Major Project Site Plan Special Permit Amendment would, if granted, amend the previously approved permit to allow the installation of a permanent emergency generator to serve the Center at the Heights building. Additionally, the generator placement will require the reduction of 3 parking spaces from the site.

In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 of the Zoning By-Law (Off Street Parking Requirements). In accordance with the Zoning By-Law and Special Permit No. 2011-04, Section 4.2, a Major Project Site Plan Review Amendment is required to authorize the change to the approved plans.

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, August 27, 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. Board members Adam Block, Natasha Espada, Paul S. Alpert, Artie Crocker and Justin McCullen were present throughout the August 27, 2024 proceedings. 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 Petitioner date stamped by the Town Clerk August 6, 2024.

- Exhibit 2 - Letter from Attorney Chris Heep, dated June 26, 2024, with Exhibit A – aerial photograph showing proposed location of emergency generator.
- Exhibit 3 - Letter from Attorney Chris Heep, dated August 21, 2024, transmitting a Memorandum from Lawrence G. Copley, L.G. Copley Associates, Acoustic and Vibration, dated August 19, 2024.
- Exhibit 4 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, Department of Public Works, dated August 21, 2024; IDC to the Board from Police Chief, John Schlittler, Needham Police Department, dated August 2, 2024; IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated August 2, 2024; IDC to the Board from Joe Prondak, Building Commissioner, Building Department, dated August 2, 2024; IDC to the Board from Tara Gurge, Assistant Public Health Director, Needham Health Department, dated August 12, 2024; and IDC to the Board from Kristin Scoble, Emergency Management Administrator, dated August 15, 2024.

Exhibits 1, 2 and 3 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 original permit was issued on October 18, 2011, and it authorized construction and use of the Center at the Heights (“CATH”) at 300 Hillside Avenue. The original permit has been amended by the Amendments to Decision dated February 21, 2012 (authorizing minor site modifications), September 3, 2013 (authorizing minor site modifications) and December 2, 2014 (modifying parking arrangements for Senior Center employees and volunteers).
- 1.2 The Petitioner, Town of Needham, is seeking to modify Major Project Site Plan Review Special Permit No. 2011-04 dated October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014 as follows: to install a permanent emergency generator to serve the CATH building. Additionally, the generator placement will require the reduction of 3 parking spaces.
- 1.3 When the CATH was originally permitted with the Planning Board, a generator was not included in the design or shown on the approved plans. A generator was not required at that time, in part because the CATH had not been designated by the Town for use as a shelter in the event of an emergency. That has changed; the Town’s emergency management planning now provides for the CATH to serve as a shelter in the event of an emergency (for example, as a cooling center in an extreme heatwave). To fully serve as an emergency shelter, a permanent on-site emergency generator is needed to support the building and its occupants. A temporary emergency generator has previously been placed at the property, but this temporary generator is not capable of supporting the entire electrical load for the building and an upgrade to a more permanent solution is necessary at this time. The Petitioner is therefore requesting that the permit be amended to reflect this new site improvement, which was not previously shown on the plans or referred to in the permit.
- 1.4 The emergency generator is not intended to be used except (a) in event of a power outage and (b) during routine maintenance, testing, and exercise of the generator consistent with the manufacturer’s specifications. In particular, the Petitioner has suggested that the permit include a condition that limits maintenance and testing to an interval consistent with the manufacturer’s

recommendation, to be conducted on a schedule within weekday hours of 9:00 a.m. and 5:00 p.m. only.

- 1.5 The new emergency generator can be expected to generate noise on the intermittent occasions when its operation is necessary, but it has been strategically placed at a location recommended by the Petitioner's acoustic engineer to minimize any impact to residential properties and the surrounding area. The emergency generator is proposed to be located along the eastern property line. This generator location immediately abuts the MBTA commuter rail line. On the opposite side of the commuter rail line, the nearest abutting private properties are 17 Avery Square, a commercial office building, 875 Highland Avenue, a commercial automobile service station, 855 Highland Avenue, a commercial retail store, and 845 Highland Avenue, another commercial retail location. There are no residential abutters in the immediate area to the east side of the CATH property line, nearest to where the proposed emergency generator will be located. The abutting property to the north of the CATH site is 280 Hillside, which is also an office building.
- 1.6 There are residential properties located to the west of the CATH, across Hillside Avenue. The CATH building itself sits between the emergency generator location and the nearest residences across Hillside, and the building will provide a structural sound barrier between the generator and those residences. The proposed location was strategically selected by the Petitioner's acoustic consultant so that the CATH building will obstruct the path of sound travelling in the direction of the residences on the opposite side of Hillside Avenue.
- 1.7 To provide additional sound protection, the generator will also be constructed within a sound attenuation jacket. To fully ensure that the emergency generator operates within the applicable limits of MassDEP's noise policy, the Petitioner proposes that the Planning Board include a condition in its decision requiring the Petitioner to submit a sound study after installation to demonstrate compliance with the policy, and to implement appropriate mitigation measures in the event the study shows the applicable limits are exceeded.
- 1.8 The exact make and model of the emergency generator to be installed is not known at the present time and will be determined during the public procurement process after the conclusion of permitting. However, a typical generator that meets the specifications of the Caterpillar C7-1 installed in a Level 2 sound attenuated enclosure was studied at the subject location. The noted noise compliance study was prepared by Lawrence G. Copley, PE. Mr. Copley reviewed the ambient sound levels at the CATH and its surrounding area, the location of the proposed emergency generator, and the sound levels expected from that generator, and concluded that the emergency generator will comply with the MassDEP Noise Policy. Accordingly, the Petitioner proposes that it submit, as a condition of any permit amendment, specification sheets for the exact make and model to the Planning Board prior to commencement of construction.
- 1.9 In addition to the relief noted above, the Petitioner requests an amendment of the permit relative to parking. As previously permitted, the project involves 65 on-site parking spaces for the CATH, plus an additional 85 parking spaces used by the MBTA for its Needham Heights commuter rail station. In the original permit issued on October 18, 2011, the Planning Board noted that the recommended number of on-site parking spaces for the CATH was 108, and it granted a special permit pursuant to Section 5.1.1.5 of the Zoning By-Law to waive strict adherence to the requirements of Section 5.1.2 (number of parking spaces) to authorize a waiver of 43 parking spaces (from 108 to 65). The Petitioner requests that this special permit be amended to allow for a reduction of 3 additional spaces, from 65 to 62.
- 1.10 Although the proposed emergency generator will result in the loss of 3 parking spaces on site, the Petitioner represents that this parking reduction situation at the property is expected to be

temporary: The Town is presently working with the MBTA, which holds an easement allowing operation of the Needham Heights MBTA Parking Lot, to lease back 12 parking spaces (10 regular parking spaces and 2 accessible parking spaces) for use in connection with the CATH. Therefore, while it is possible depending on construction timing that the emergency generator may temporarily result in a reduction of 3 parking spaces, the Petitioner expects to be able to report back to the Planning Board in short order that 12 additional spaces have been added to the available CATH parking total, for an increase to the available spaces overall.

- 1.11 Based on the foregoing, the Petitioner requests that the Planning Board modify Major Project Site Plan Review Special Permit No. 2011-04 dated October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014, to authorize placement of a permanent emergency generator at the eastern property line, and to modify the special permit previously granted pursuant to Section 5.1.1.5 of the Zoning By-Law to waive strict adherence to the requirements of Section 5.1.2 (number of parking spaces) by reducing the number of on-site parking spaces by three (3) spaces, from 65 to 62.
- 1.12 The Board finds that the proposed project is in harmony with the general purpose and intent of the Zoning By-Law. The site is presently developed as the Center at the Heights. Sixty-two (62) on-site parking spaces will be devoted solely to the CATH, and it is anticipated that the MBTA will lease back 12 parking spaces (10 regular parking spaces and 2 accessible parking spaces) from the Needham Heights MBTA parking lot for use in connection with the CATH.
- 1.13 The site is appropriate for the use. The Center at the Heights already exists and has recently become a shelter in the event of an emergency (for example, as a cooling center in an extreme heatwave). Such a facility must be able to have power in the event of power loss.
- 1.14 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 propose to alter the vehicular or pedestrian movements on site.
- 1.15 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. The site is already in use as the CATH. This generator location immediately abuts the MBTA commuter rail line. On the opposite side of the commuter rail line, the nearest abutting private properties are 17 Avery Square, a commercial office building, 875 Highland Avenue, a commercial automobile service station, 855 Highland Avenue, a commercial retail store, and 845 Highland Avenue, another commercial retail location. There are no residential abutters in the immediate area to the east side of the CATH property line, nearest to where the proposed emergency generator will be located. The abutting property to the north of the CATH site is 280 Hillside, which is also an office building. Therefore, the generator will be relatively hidden by virtue of its location on site from any residences. Finally, although the exact make and model of the emergency generator to be installed is not known at the present time, a noise compliance study of a Caterpillar C7-1 generator installed in a Level 2 sound attenuated enclosure was performed. Said study reviewed the ambient sound levels at the CATH and its surrounding area, the location of the proposed emergency generator, and the sound levels expected from that generator, and concluded that the emergency generator will comply with the MassDEP Noise Policy.
- 1.16 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 proposed generator. Disposal will be in accordance with applicable law and established practice for this site.

- 1.17 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 CATH, and the emergency generator will not create any new impacts on the Town's water supply and distribution system, sewer, fire protection or streets.
- 1.18 The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The plans do not propose to alter the parking lot except for utilizing three (3) parking spaces for the generator to occupy. Additionally, the Town expects an overall reduction in parking available to serve the CATH to be temporary: The Town is presently working with the MBTA, which holds an easement allowing operation of the Needham Heights MBTA Parking Lot, to lease back 12 parking spaces (10 regular parking spaces and 2 accessible parking spaces) for use in connection with the CATH. Therefore, while it is possible depending on construction timing that the emergency generator may temporarily result in a reduction of 3 parking spaces, the Petitioner expects to be able to report back to the Planning Board that 12 additional spaces have been added to the available CATH parking total, for an increase to the available spaces overall. However, even if the lease is not successful and the 12 spaces are not leased, the waiver of the 3 spaces is still granted.
- 1.19 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 Zoning By-Law. This site is presently developed as the CATH. No changes to the landscaping are proposed. The generator is proposed to be in a portion of the lot that is hidden from residences.
- 1.20 The Board finds that the proposed project is in harmony with the general purpose and intent of the Zoning By-Law, and in harmony with the specific purposes and intent of the Zoning By-Law regarding the Hillside Avenue Business Zoning District.
- 1.21 The Board finds that all its findings and conclusions contained in Major Project Site Plan Special Permit No. 2011-04, issued to Town of Needham on October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014, are applicable to this amendment, except as specifically set forth in this amendment.
- 1.22 Under Section 5.1.1.5 of the Zoning By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), may be granted in the Hillside Avenue Business Zoning District provided the Board finds (a) special circumstances in a particular use of a structure that does not warrant the minimum number of parking spaces required under Section 5.1.2 or (b) the extent of building coverage on a particular lot is such in laying out the design requirements of Section 5.1.3, that the requirement for a minimum number of parking spaces under Section 5.1.2 cannot be met. Based on the above findings and conclusions, the Board finds the proposed project and Plan, as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the Zoning By-Law, to comply with all applicable Zoning By-Law requirements, and not to be a detriment to the Town's and neighborhood's inherent use of the surrounding area.
- 1.23 Under Section 7.4 of the Zoning By-Law, a Major Project Site Plan Review Special Permit Amendment may be granted in the Hillside Avenue Business Zoning District if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the Zoning 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 Zoning By-Law, to comply with all applicable Zoning 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. 2011-04, dated October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014; and (2) the Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.2 (Required Parking) 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.

CONDITIONS AND LIMITATIONS

The conditions and limitation made in Major Project Site Plan Special Permit No. 2011-04 issued by the Board on October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014 are 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 generator 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 Zoning By-Law. No more than three (3) parking spaces shall be used to house the generator.
- 3.2 The Mass. DEP Noise Policy requires that the sound level at residences with the generator running shall be no more than 10 dBA higher than the background ambient sound level (LA90) at times when the generator will run. The night-time ambient sound levels at the proposed location for all the residences is 36 dBA(L90), as reported in the Sound Attenuation Report (Exhibit 3). The maximum allowable generator sound level at the residences is thus 46 dBA.
- 3.3 The exact model of the emergency generator is not yet known and will not be until the project goes out to bid. However, a typical generator similar in specification to the Caterpillar C7-1 installed in a Level 2 sound attenuated enclosure is hereby permitted. The Petitioner shall submit

the specification sheets for the exact model to the Board and Building Commissioner prior to the commencement of construction.

- 3.4 The emergency generator shall be operated (a) for normal maintenance and testing on an interval consistent with manufacturer's specifications or otherwise as needed, provided that such maintenance and testing shall only between weekday hours of 9:00 a.m. and 5:00 p.m. and (b) in cases of power outage or emergency.
- 3.5 The emergency generator shall not: (a) increase the broad band sound level by more than 10 dBA; or (b) produce a "pure tone" condition- where any octave band center frequency sound pressure level exceeds the two adjacent center frequency levels by 3 decibels or more. These criteria are to be measured consistent with MassDEP noise policy. For purposes of this section, ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours. Notwithstanding the above, the sound levels attributable to the emergency generator at the upper-floor windows of the nearby residential abutters as identified in the L.G. Copley Associates report shall not exceed 46 dBA.
- 3.6 The emergency generator to be installed shall be designed and operated to comply with MassDEP noise policy to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations. The mechanical equipment and emergency generator shall also be installed and screened as far as practical to minimize the visibility of the mechanical equipment and emergency generator from Hillside Avenue. The Petitioner shall deliver to the Building Commissioner for review and approval plans and specifications of said mechanical equipment and emergency generator, including sound attenuation components, if necessary, together with Petitioner's certification to the Building Commissioner that said mechanical equipment and emergency generator have been designed such that when they are operated they will be in compliance with the regulations described above with respect to noise, and screened in accordance with the requirements described above.
- 3.7 An as-built plan of the mechanical equipment and emergency generator together with a sound level analysis prepared by an acoustical engineer shall be submitted to the Building Commissioner. The sound analysis shall demonstrate compliance with the MassDEP noise policy addressing sound attenuation to protect adjoining properties and the nearest inhabited residence from excessive noise, as defined in said regulations.
- 3.8 The Petitioner will continue its efforts with the MBTA, which holds an easement allowing operation of the Needham Heights MBTA Parking Lot, to lease back 12 parking spaces (10 regular parking spaces and 2 accessible parking spaces) for use in connection with the CATH. If successful, the Petitioner, at conclusion of the project, will add 12 additional spaces to the available CATH parking total, for an increase to the available spaces overall. However, the Petitioner may utilize 3 parking spaces for the generator, in the location shown on the plan (Exhibit 2), whether or not the noted lease is achieved.
- 3.9 No construction in the pursuance of this approval shall commence until:
 - a) The Petitioner shall have delivered to the Building Commissioner for review and approval plans and specifications for the mechanical equipment and emergency generator, including sound attenuation components as described in paragraph 3.6 of this decision.
 - b) The Petitioner shall have recorded this decision with the Norfolk County Registry of Deeds and delivered to the Planning Board a copy bearing the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.

- 3.10 The emergency generator subject to this Amendment to Major Project Site Plan Review Special Permit shall not be utilized until:
- a) An as-built plan, supplied by the engineer of record certifying that the on-site project improvements were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the location and final construction details of the mechanical equipment and emergency generator, in their true relationship to the lot lines.
 - b) The Petitioner shall have filed an as-built plan of the mechanical equipment and emergency generator and a sound level analysis prepared by an acoustical engineer as described in paragraph 3.7 of this Decision.
- 3.11 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.
- 3.12 The following interim safeguards shall be implemented during construction:
- a) The hours of construction shall be 7:00 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, 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 Inspector 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 West Street, Hillside Avenue or the adjacent roads.
 - d) The Petitioner shall take 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 West Street and Hillside Avenue and the adjacent roads clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 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 associated with the emergency generator 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 Zoning 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 Zoning 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 Zoning By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse with respect to the Project on October 15, 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 October 15, 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.

