



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

2024 NOV 19 10:11:33
500 Dedham Ave
Needham, MA 02492
781-455-7550

PLANNING

DEFINITIVE SUBDIVISION DECISION **40 Highland Avenue and 14-16 Riverside Street** 40 Highland Ave, LLC November 19, 2024

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding to the powers of said Planning Board referred to as the Board) on the petition of 40 Highland Ave, LLC, 435E Dedham Street Newton, MA 02459 (to be referred to hereinafter as the Petitioner) for property located at and known as 40 Highland Avenue and 14-16 Riverside Street, Needham, MA. Said property is shown as Parcels 58 and 45 on Assessor's Map No. 73, and bounded and described as follows:

Two certain parcels of land in Needham, Norfolk County, as follows:

Parcel I

That certain parcel of land known and numbered 40 Highland Avenue, Needham, Norfolk County, MA, being more particularly described as follows:

Beginning at a point on the westerly sideline of Highland Avenue, Massachusetts highway layout number 8542, at the intersection of the southerly sideline of the Metropolitan District Commission; Thence running, south 74°21'18" east, by land now or formerly of the Metropolitan District Commission, a distance of 453.41 to a concrete bound with a drill hole; Thence turning and running, south 22°40'29" west, by land now or formerly of Joseph P. & Eileen J. Manning, a distance of 147.31 feet; Thence turning and running, north 67°55'38" west, by four parcels, a distance of 384.74 feet; Thence turning and running, south 25°45'55" west, by land now or formerly of Arthur & Anna Deych, a distance of 9.48 feet; Thence turning and running, north 64°40'02" west, by land now or formerly of Nina Prohodski and Helen Harcovitz, a distance of 85.29 feet to the aforementioned sideline of Highland Avenue; and Thence turning and running, north 34°04'13" east, by said sideline, a distance of 103.41 to the point of beginning. Containing 56,409 square feet, more or less.

Parcel II

That certain parcel of land known and numbered 14 Riverside Street, Needham, Norfolk County, MA, being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Riverside Street being the southwesterly corner of said parcel; Thence running, north 25°45'55" east, by land now or formerly of Arthur & Anna Deych, a distance of 60.71 to an iron rod with a cap; Thence turning and running, south 67°55'38" east, by land now or formerly of 40 Highland Avenue LLC, a distance of 150.31 feet; Thence turning and running, south 25°45'55" west, by land now or formerly of Boris Karpachev

& Rufina Veysberg, a distance of 70.39 feet to the aforementioned sideline of Riverside Street; and Thence turning and running, north 64°14'05" west, by said sideline, a distance of 150.00 feet to the point of beginning; Containing 9,832 square feet, more or less.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on August 6, 2024, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would subdivide the Premises into three building lots, two of which will be used for residential purposes and the third of which will continue to be used for commercial purposes; the two new residential lots would have frontage and access on the new road.

After causing notice of the time and place of its 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, Natasha Espada, Chairperson of the Board, called the hearing to order on Tuesday, August 27, 2024, at 7:30 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Tuesday, September 17, 2024 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, MA as well as by Zoom Web ID Number 880 4672 5264. The hearing was further continued to Tuesday October 15, 2024 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, MA as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Adam Block, Paul S. Alpert, and Justin McCullen were present throughout the proceedings. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - Application for Definitive Subdivision Approval with Exhibit A (List of Waivers) and Exhibit B (Property Description). Filed with the Town Clerk on August 6, 2024.
- Exhibit 2 - Letter from Steven Wolberg, Manager, 40 Highland Ave, LLC, to Lee Newman, Planning Director, dated June 20, 2024.
- Exhibit 3 - Letter directed to Lee Newman, Director of Planning and Community Development, from George Giunta Jr., dated July 16, 2024.
- Exhibit 4 - Plan set entitled Definitive Subdivision Plan for 40 Highland Ave, LLC, prepared by Land Design Collaborative, 45 Lyman Street, Westborough, MA 01581, Field Resources, 281 Chestnut Street, Needham, MA, 02492 consisting of 11 sheets: Sheet 1, Title Sheet, dated April 26, 2024; Sheet 2, entitled "General Notes and Legend," dated April 19, 2024; Sheet 3, entitled "Existing Conditions Plan," dated April 26, 2024; Sheet 4, entitled "Lotting Plan, By Right," dated April 26, 2024; Sheet 5, entitled "Lotting Plan, Waiver," dated April 26, 2024; Sheet 6, entitled "Grading and Drainage Plan," dated April 19, 2024; Sheet 7, entitled "Plan & Profile, STA0+00 To End," dated April 26, 2024; Sheet 8, entitled "Details," dated April 26, 2024; Sheet 9, entitled "Details," dated April 26, 2024;

Sheet 10, entitled “Details,” dated April 26, 2024; and Sheet 11, entitled “Turning Movement Exhibit, Fire Apparatus,” dated April 26, 2024.

- Exhibit 5 - Stormwater Management Report, prepared by Land Design Collaborative, dated April 2024.
- Exhibit 6 - Email from Elizabeth Kaponya, 27 Highland Terrace, dated August 27, 2024.
- Exhibit 7 - Email from Patricia Baker, dated August 27, 2024.
- Exhibit 8 - Email from Robert Deutsch, 14 Highview Street, dated August 27, 2024.
- Exhibit 9 - Email from Ryan K. McKee, 18 Highview Street, dated August 27, 2024.
- Exhibit 10 - Letter from Land Design Collaborative, James T. Almonte, Principal and Michael J. Scott, Principal, dated August 26, 2024.
- Exhibit 11 - Email from Naomi Ribner, 40 Riverside Street, dated August 27, 2024.
- Exhibit 12 - Email from Janice Epstein, 75 Highland Terrace, dated September 3, 2024.
- Exhibit 13 - Letter directed to Lee Newman, Director of Planning and Community Development, from George Giunta Jr., dated September 11, 2024, with Exhibit A (Email Correspondence with Alex Prohodski), Exhibit B (Email Correspondence with Arthur Deych), Exhibit C (Email Correspondence from Michael Scott, Project Engineer), and Exhibit D (Fire Department Submittal).
- Exhibit 14 - Email from Ryan K. McKee, 18 Highview Street, dated September 16, 2024.
- Exhibit 15 - Email from Ronnie Gavel, Fire Inspector, directed to James T. Almonte, Principal, Land Design Collaborative, dated August 27, 2024.
- Exhibit 16 - Email from Ronnie Gavel, Fire Inspector, directed to James T. Almonte, Principal, Land Design Collaborative, dated September 17, 2024.
- Exhibit 17 - Letter directed to Lee Newman, Director of Planning and Community Development, from George Giunta Jr., dated October 7, 2024.
- Exhibit 18 - Revised Plan Sheets:
 - a) Sheet 6, entitled “Grading and Drainage Plan,” dated April 19, 2024, revised September 24, 2024;
 - b) Sheet 8, entitled “Details,” dated April 26, 2024, revised September 24, 2024;
 - c) Sheet 9, entitled “Details,” dated April 26, 2024, revised September 24, 2024.
- Exhibit 19 - Interdepartmental Communication (IDC) to the Board from Debbie Anderson, Director, Conservation Department, dated August 21, 2024; IDC to the Board from Thomas Ryder, Town Engineer, dated August 21, 2024 and October 15, 2024; IDC to the Board from Donald E. Anastasi, Deputy Chief of Operations, Needham Fire Department, dated August 20, 2024; IDC to the Board from Chief

John Schlittler, Needham Police Department, dated August 2, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated August 2, 2024; and IDC to the Board from Tara Gurge, Assistant Director of Public Health, dated August 20, 2024.

Exhibits 1, 2, 3, 4, 5 and 18 are referred to hereinafter as the Plan.

The Board hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on Plan set entitled Definitive Subdivision Plan for 40 Highland Ave, LLC, prepared by Land Design Collaborative, 45 Lyman Street, Westborough, MA 01581, Field Resources, 281 Chestnut Street, Needham, MA, 02492 consisting of 11 sheets: Sheet 1, Title Sheet, dated April 26, 2024; Sheet 2, entitled "General Notes and Legend," dated April 19, 2024; Sheet 3, entitled "Existing Conditions Plan," dated April 26, 2024; Sheet 4, entitled "Lotting Plan, By Right," dated April 26, 2024; Sheet 5, entitled "Lotting Plan, Waiver," dated April 26, 2024; Sheet 6, entitled "Grading and Drainage Plan," dated April 19, 2024, revised September 24, 2024; Sheet 7, entitled "Plan & Profile, STA0+00 To End," dated April 26, 2024; Sheet 8, entitled "Details," dated April 26, 2024, revised September 24, 2024; Sheet 9, entitled "Details," dated April 26, 2024, revised September 24, 2024; Sheet 10, entitled "Details," dated April 26, 2024; and Sheet 11, entitled "Turning Movement Exhibit, Fire Apparatus," dated April 26, 2024.

1. The Board has waived compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

- a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 40-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. The Board found a right-of-way width of 40 feet to be sufficient to accommodate the 2 new residential lots. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 1, 2, 3, 4, 5 and 18 hereof.
- b) The Board hereby waives the requirements of Section 3.3.5 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the pavement within the cul-de-sac have a minimum radius of 60 feet and approves instead a hammerhead back-up strip, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 1, 2, 3, 4, 5 and 17 hereof and the specific goal of minimizing regrading and impervious surface on the site which would otherwise have been required if a 60-foot radius paved circle was to be required.
- c) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of the proposed roadway and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is

subject to the provisions of paragraphs 3 through 13 of this decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for the new Private Way, and the dead-end nature of the proposed street.

2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

- a) The plan shall be revised to name Riverside Street as Riverside Street.
- b) The Plan shall be revised to show a 7.5-foot landscape buffer easement along the southerly property line of Lot 103.

3. The waiver of street construction requirements, as fully set forth in paragraphs 1.a, 1.b, and 1.c is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 102 or 103 as shown on the Plan (hereinafter referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use, two-family residential use or resident customary home occupations as allowed under the Zoning By-Law, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board. Lot 101 is to be accessed solely from Highland Avenue, not the private way, and is excluded from the obligations under the Homeowners Trust Agreement.

4. Each and every owner or owners of Lots 102 and 103 shall be jointly and severally responsible and liable, and shall fulfill all lot owners' obligations under a Homeowners Trust Agreement, for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Plan and designated thereon and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on a Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, walkways, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and providing adequate services to each Lot, all in accordance with these conditions.

5. Each and every owner or owners of Lots 102 and 103 shall be jointly and severally responsible and liable and shall fulfill all Lot owners' obligations under the Homeowners Trust Agreement, for all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority.

6. The Trustees under the Homeowners Trust Agreement and each owner of a Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lot, and any structures thereon and services installed thereon, or hereunder.

7. Neither the Lot owners nor the Trustees under the Homeowners Trust Agreement shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan.

8. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot or the Trustees under the Homeowners Trust Agreement as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Plan, and only to the extent necessary in connection with such work.

9. No Lot owner nor the Trustees under the Homeowners Trust Agreement shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners or Trustees at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham without waiver, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

10. No Lot owner nor the Trustees under the Homeowners Trust Agreement, shall at any time request or petition that any drainage system, water pipes, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

11. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

12. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive and a) any conveyance of Lot 102 and Lot 103 shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the b) subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

13. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 11 inclusive of this decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall only affect and encumber Lots 102 and 103 and shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

14. Lot 102 may be accessed from either Riverside Street or the new Private Way and Lot 103 shall be accessed solely from the new Private Way with no vehicular access for such lot provided directly to Riverside Street. Vehicular access to the new Private Way shall be limited to said Lots 102 and 103 as shown on the Plan. Lot 101 is to be accessed solely from Highland Avenue. Lot 101 shall not be accessed from the new roadway.

15. There shall be no alteration or change to a Lot so as to affect the drainage system for any Lot, or the drainage systems running across a Lot, as shown on the Plan, as modified by this decision, without the prior written approval of the Planning Board or Town Engineer as noted below. Any Lot owner who proposes to make a change from the approved Plan shall first file a copy of a plan depicting the proposed changes with the Needham Town Engineer, with a request for a determination as to whether the changes affect the drainage system. If the Town Engineer determines that the changes affect the drainage system, or if the Town Engineer fails to respond to the request for a determination within 45 days, the Lot owner may file the plan with the Planning Board for its review. In such event, the Lot owner shall file with the Planning Board such information as the Planning Board determines necessary for its review. The Planning Board shall hold a public hearing within 60 days of receiving a complete filing. After said public hearing, the Board may, in its sole discretion, find that the proposed changes do not appear to negatively impact down gradient property owners or interfere with the functioning of the drainage system(s) of the Lot or subdivision. In such event the Lot owner, only upon receipt of a written decision from the Planning Board, may implement the changes as shown on the new plan.

16. Off-street drainage surety in the amount of \$10,500.00 shall be posted (\$3,500.00 per lot) prior to the release of Lots 101, 102 and 103 inclusive as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated August 20, 2024, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

17. Each record owner, whether one or more persons or entities of title to Lots 102 and 103, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan, as approved by this decision and as further described in the Stormwater Management Report, prepared by Land Design Collaborative, dated April 2024 (Exhibit 5).

18. Prior to plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall select a BMP topic under “Public Education and Outreach” and “Public Participation/Involvement” and shall implement said selected topic prior to the release of the subdivision lots.

19. The following safeguards shall be implemented during construction:

a. The hours of construction and construction related activities shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Saturday.

b. 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 Riverside Street or Highland Avenue. The designee shall supply a phone number where the designee can be reached 24 hours per day.

c. 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 or materials to or from the site and keeping South Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be necessary.

20. Prior to site alteration the Petitioner shall mark in the field those trees which the landscape plan indicates will be retained. Such trees identified to be preserved shall be distinguished with appropriate markings, which may include surrounding fences or stakes. Any such trees removed which were identified for retention shall be replaced with trees of similar quality and caliper or as otherwise approved by the Board.

21. A Department of Environmental Protection sewer extension and connection permit may be required to service the subdivision and Lots 102 and 103. If required, approval of this subdivision is subject to the granting by the Select Board and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

22. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the Petitioner.

23. A special sewer connection permit program fee shall be provided for Lots 102 and 103, as and to the extent applicable.

24. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

25. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

26. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Director of Streets.

27. No openings in the pavement shall be made after the chipseal has been laid between September 1 and April 1.

28. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

29. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.

30. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.

31. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these, as applicable, shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.

32. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.

33. All construction staging and parking shall be on-site. No construction parking shall be permitted on Riverside Street or Highland Avenue or on any other public street.

34. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.

35. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

36. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

37. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have two years from the date of endorsement of the Plan to complete the installation and construction of the new Private Way, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.

38. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

39. The Petitioner shall deliver to the Board for its approval a duly executed easement deed to the Town of Needham granting to the Town the right to pass on foot or by vehicle over the Private Way a Subdivision Covenant, a Landscape Buffer Planting Strip Covenant and Restriction, a Restrictive Covenant and Homeowners Trust Agreement, all as may be required and as shown on the Plan ("the Documents"). The Documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Documents shall be referenced on the Plan and all documents shall be recorded with the Plan.

40. Prior to the release of either Lot 102 or Lot 103 for building or sale, copies of the recorded instruments described in paragraphs 13 and 39 of this decision and copies of the recorded plan shall be provided to the Director of Planning and Community Development.

41. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this decision is executed unless such time period is extended, in writing, by the

Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Director of Planning and Community Development fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this decision.

The foregoing has been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan.

Witness our hands this 19th day of November, 2024

NEEDHAM PLANNING BOARD


Natasha Espada, Chair


Artie Crocker


Adam Block


Paul S. Alpert


Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Nov. 19 2024

On this 19 day of Nov., 2024, before me, the undersigned notary public, personally appeared Natasha Espada, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public name: 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 approval of the Project proposed by 40 Highland Ave, LLC, 435E Dedham Street Newton, MA 02459, for Property located at 40 Highland Avenue and 14-16 Riverside Street, Needham, Norfolk County, 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 # _____
Town Clerk
Building Commissioner
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department
George Giunta Jr., Attorney

Board of Health
Director, PWD
Design Review Board