



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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NEEDHAM, MA 02492

2024 DEC 20 500 Dedham Ave

Needham, MA 02492

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PLANNING

DECISION Special Permit Application No. 2024-03 December 17, 2024

PEX Health and Fitness, LLC d/b/a PEX Health and Fitness 1451 Highland Avenue

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA (hereinafter referred to as the Petitioner), for property located at 1450 Highland Avenue, Needham, MA 02492, shown on Assessor's Map No. 50 as Parcel 15 containing 13,939 square feet in the Center Business Zoning District.

This Decision is in response to an application submitted to the Board on November 12, 2024, by the Petitioner for: (1) a Special Permit under Section 3.2.2 of the By-Law to operate a personal fitness service establishment in the Center Business District; (2) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of the By-Law; (3) a Special Permit under Section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations; and (4) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, Required Parking, and Section 5.1.3, Parking Plan and Design Requirements.

The requested Special Permit, would, if granted, permit the Petitioner to redevelop the premises located at 1450 Highland Avenue (the space formerly occupied by Pancho's Taqueria), to operate a personal fitness service establishment. The premises are comprised of approximately 1,950 sq. ft. of first floor space, approximately 85% of which will be utilized for private, semi-private and group fitness (both general and boxing-style), approximately 90 square feet will be used for an office that will be used for office use and fitness and nutrition consultations, and the remainder of the premises will be used for bathrooms, utility, and electrical closets.

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, December 3, 2024 at 7:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen were present at the December 3, 2024 hearing. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Properly executed Application for Special Permits under Section 3.2.2 of the By-Law, and Section 5.1.1.6 of the By-Law. Said application submitted on November 12, 2024.
- Exhibit 2 - Cover Letter from Attorney David A. Giangrasso, dated November 4, 2024.
- Exhibit 3 - Town of Needham GIS map of property.
- Exhibit 4 - Plan sheet SKD-0.2, PEX Health and Fitness Fit-Out, entitled “Demo & Proposed Plan,” prepared by Derek Rubinoff Architect, 82 Spring Street, West Roxbury, MA, 02132, dated November 1, 2024.
- Exhibit 5 - Portion of site Plan showing parking.
- Exhibit 6 - Plan entitled “As-Built Plan, 1450 Highland Avenue and 13 Highland Place,” prepared by Feldman Land Surveyors, 152 Hampden Street, Boston, MA 02119, dated November 7, 2019.
- Exhibit 7 - Letter from Attorney David A. Giangrasso, dated November 4, 2024.
- Exhibit 8 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, Department of Public Works, by memo dated November 25, 2024; IDC to the Board from Tara Gurge, Assistant Director, Health Division, dated November 25, 2024; IDC to the Board from Chief John Schlittler, Needham Police Department, dated November 8, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated November 18, 2024; and IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated November 8, 2024.

Exhibits 1, 2, 4, 5, 6 and 7 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1 The subject property is located at 1450 Highland Avenue, Needham, MA 02492, shown on Assessor’s Map No. 50 as Parcel 15 containing 13,939 square feet in the Center Business Zoning District.
- 1.2 The premises are comprised of approximately 1,950 sq. ft. of first floor space, approximately 85% of which will be utilized for private, semi-private and group fitness (both general and boxing-style), approximately 90 square feet will be used for an office that will be used for office use and fitness and nutrition consultations, and the remainder of the premises will be used for bathrooms, utility, and electrical closets. The premises are located in the Center Business District and are located in a building comprised of approximately 14,326 sq. ft. on a lot comprised of approximately 14,000 sq. ft. The other tenants in the building are Newton Wellesley Primary Care, Treat LLC, and Rockland Trust Company.
- 1.3 There will be a maximum of five (5) employees and ten (10) clients on-site at any one time, for a total of no more than 15 people on site at any one time. At no time will the maximum number of occupants at any given time exceed 15. The Petitioner will not schedule more than two semi-private training sessions (2-4 people per trainer) at the same time and not more than one small group training sessions (no more than 8 people per trainer).

- 1.4 The maximum number of staff on the premises at any given time will be 5. Most of the trainers will be working on a part-time basis (4-6 hours per day) so that some trainers will work mornings only and other trainers will work afternoons only. The personal service that the Petitioner will offer is private training sessions (one-on-one by appointment only sessions). It is anticipated that approximately 50% of the clients will be involved in one-on-one training. Approximately 25% of the anticipated training volume will consist of semi-private training sessions (2-4 people per trainer), which will be staggered throughout the day to prevent crowding and congestion issues (and to remain at all times in compliance with the 20-person maximum occupancy requirement). The third service, which is anticipated to comprise about 25% of the training volume, consists of small group training sessions (no more than 8 people per trainer). Small group training services will only be offered in the early mornings (5:00-8:00 am) and the late afternoons/evenings (5:00 pm or later) and only one small group training session will be held at a time. Due to the limited space at this location, there will be no private or semi-private training sessions going on at the same time as a small group training session.
- 1.5 All services will be by appointment only. The Petitioner is a small appointment-based fitness facility and does not intend to offer larger classes (10+ people) for group training such as spinning and yoga. The sessions will be scheduled so that there will not be more than 15 individuals present at the facility at any given time. Most clients tend to arrive at the facility just before the scheduled appointment and tend to leave immediately after the end of their appointment. The only exception to this is in the case of some early morning clients, who exercise before going to work. Those individuals may use the locker rooms and showers shown on the plan.
- 1.6 The proposed hours of operation are 5:00 a.m. to 8:00 p.m. Monday through Sunday. The busiest times are anticipated to be 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. The busiest days are Monday through Friday.
- 1.7 The Petitioner has requested a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, more specifically, to reduce the number of required parking spaces. The total parking demand for the subject premises with the new use can be calculated in two ways. The first method yields a requirement of 15 parking spaces calculated as follows: 1,950 square feet @ 1 space / 150 square feet = 13 spaces, plus one space for every three employees on the largest shift (5 total employees) = 2 spaces (rounded up), for a total of 15 spaces. The second method also yields a total requirement of 15 parking spaces. In the later circumstance where facility size is known and occupancy and parking demand will be controlled by the method of operation, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment to one parking space per employee and visitor present on the site at any one time during the peak usage period. While the peak number of employees on site at any given time may be as high as 5, and the bulk of clients are on a one-to-one basis with the trainers, if some trainers schedule semi-private training sessions (maximum 8 students per trainer), the maximum number of employees and visitors could be as high as 15, for a parking requirement under the second method of 15 spaces. Note that the Petitioner will not schedule more than two semi-private training sessions (2-4 people per trainer) at the same time and not more than one small group training sessions (no more than 8 people per trainer). The Petitioner will also prohibit coaches from scheduling training sessions during small group class sessions. Using this method, the total number of required spaces is 15 spaces. In either case, a parking waiver on the number of required spaces will be required for

the proposed use, because there is minimal parking associated with this property. Therefore, the Petitioner requests a waiver of 15 parking spaces.

- 1.8 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 5.1.2 and 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 not sufficient parking associated with the property, a waiver under the provisions of Section 5.1.1.6 is required. The Petitioner has requested a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, more specifically, to reduce the number of required parking spaces. The tenant mix and parking analysis is as follows:

Tenant No. 1 - Medical Clinic

8,623 square feet (4,943 square feet on the first floor, 3,680 square feet on the second floor)
@ 1 space/200 square feet = 43.115 spaces = 44 spaces

Tenant No. 2 – Treat Cupcake

1,868 square feet originally; expanded by 455 square feet to 2,323 square feet.

Per Decision dated January 15, 2010, parking requirement was as follows: one parking space per three seats (30 seats, including the main room seats and the function room seats, divided by 3 = 10) and an additional 10 parking spaces for a take-out station, resulting in a total parking requirement of 20 spaces

Tenant No. 3 – Rockland Trust Company

1,450 square feet

@ 1 space/300 square feet = 4.83 spaces = 5 spaces

Tenant No. 4 – Applicant's proposed space (formerly Pancho's Taqueria), listed in the Pancho's Taqueria Decision (No. 2019-01, dated February 26, 2019) (the "Pancho's Decision") and in the Amendment to Decision Nos. 95-7 and 97-2 (dated February 26, 2019) (The "Amendment to Decision"), 1,575 square feet.

@ 1 space per 3 seats plus 10 spaces for the takeout station for a total of 23 spaces

The total parking requirement for the building pursuant to the By-Law is 92.

Pursuant to the Pancho's Decision and the Amendment to Decision, the Planning Board determined that the total parking requirement of 1450 Highland at the time of the Pancho's Decision and the Amendment to Decision issued by the Planning Board was computed to be 94 spaces. At that time, the property had access to 48 parking spaces (40 provided by a parking easement located adjacent to the neighboring Walgreen's property and 8 spaces located on-site). In the Amendment to Decision, the Planning Board granted a parking waiver of 46 parking spaces, for the difference between the required 94 parking spaces and the then available 48 parking spaces. However, the as-built plan of the property, shown in Exhibit 6, shows that there are actually only 7 spaces built at the property (4 on the side of the building and 3 in the rear).

As further noted above, the parking requirement for Pancho's Taqueria stated in the Pancho's Decision and Amendment to Decision was 23 spaces. As the number of spaces required for the Petitioner is 15 spaces, the total parking requirement of the entire building after substituting PEX Health and Fitness for Pancho's Taqueria will decrease by 8 (23-15 =

8). Accordingly, with the PEX Health and Fitness use at the property the total number of parking spaces required for the building pursuant to the By-Law is 84.

Additionally, the property now has access to 59 parking spaces (7 spaces located on-site, 40 spaces provided by a parking easement located adjacent to the neighboring Walgreen's property, and 12 spaces provided a parking easement located on the neighboring 13-15 Highland Place property).

As described above, the total parking demand for the Petitioner is 15 spaces, which is less than the 23 spaces required by Pancho's Taqueria. Nevertheless, the Planning Board has determined that the parking waiver for the entire building needs to be regranted. Accordingly, the required waiver is 25 ($84 - 59 = 25$).

- 1.9 The Petitioner has requested a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3.
- 1.10 The Petitioner has requested a Special Permit under Section 3.2.2 of the By-Law for a "Personal fitness service establishment" where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2 but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot.
- 1.11 The Petitioner has requested a Special Permit under Section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations.
- 1.12 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for a Special Permit for a "Personal fitness service establishment" where there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2 but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot, provided the Board finds that the use is in harmony with the general purposes and intent 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, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.13 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. On the basis of 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.
- 1.14 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 application of certain design requirements and that the project demonstrates that it is providing the

maximum number of off-street parking spaces practicable. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law, and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Special Permit under Section 3.2.2 of the By-Law to operate a personal fitness service establishment in the Center Business District; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of the By-Law; (3) the requested Special Permit under Section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultations; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, Required Parking, and Section 5.1.3, Parking Plan and Design 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.

No Plan Modifications Required.

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 3.18 of this Decision.
- 3.1 The floor plan shall be substantially consistent with the floor plan as submitted, movement of non-fixed equipment and fixed equipment is of no concern, provided no more than 1,950 square feet of Personal Fitness Service Establishment space is provided.
- 3.2 The operation of the proposed PEX Health and Fitness, LLC d/b/a PEX Health and Fitness at 1450 Highland Avenue, Needham, Massachusetts shall be as described in Sections 1.2, 1.3, 1.4, 1.5, 1.6, 1.7 and 1.8 of this Decision and as further described under the support materials provided under Exhibits 2, 4, 6 and 7 of this Decision.

- 3.3 The PEX Health and Fitness, LLC d/b/a PEX Health and Fitness facility may be open for business 5:00 a.m. to 8:00 p.m. Monday through Sunday.
- 3.4 No more than five (5) employees and ten (10) clients may be present and using the facility at any one time.
- 3.5 The special permit and parking waivers granted herein are specifically premised upon the special characteristics of the PEX Health and Fitness, LLC d/b/a PEX Health and Fitness facility. In the event of any change in the use permitted hereunder which would result in a greater parking demand, further site plan review will be required, and the Planning Board shall evaluate the parking demand of the building as a whole.
- 3.6 The Petitioner shall purchase five employee parking permits from the Town of Needham for use in the Town's municipal parking lots. The off-site parking shall be provided without cost to the employee and said employees utilizing off-street parking shall be prohibited from parking in any location outside the Town's permitted parking area.
- 3.7 This Special Permit to operate PEX Health and Fitness, LLC d/b/a PEX Health and Fitness at 1450 Highland Avenue, Needham, MA is issued to PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, and may not be transferred, set over, or assigned by PEX Health and Fitness, LLC, to any other person or entity other than an affiliated entity in which PEX Health and Fitness, LLC has a controlling interest of greater than 50 percent, without the transferee filing a letter with the Board acknowledging that it has read this Decision and agrees to its terms and conditions.
- 3.8 The proposed PEX Health and Fitness, LLC facility use shall contain the dimensions and be located on that portion of the locus exactly as shown on the Plan, as modified by this Decision, and in accordance with applicable dimension requirements of the By-Law. Any changes, revisions, or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.9 The Petitioner recognizes the desire of the Board to assure a viable active retail storefront presence on the major thoroughfares of the Town and shall work in its configuration of its operation to assure that goal is met. To that end, the storefront windows at the storefront entry shall not be obscured by interior window signage, window treatments, or display cases that prevent customers and pedestrians from seeing inside. The Petitioner shall assure that the subject storefront window system remains open and transparent providing the maximum amount of visibility into the facility.
- 3.10 That trash receptacles shall be provided if required, and the area shall be kept free of litter. The trash receptacles if required shall be emptied as needed, cleaned, and maintained to meet Board of Health Standards.
- 3.11 That the following interim safeguards shall be implemented during construction:
- a) The hours of construction shall be 7:00 a.m. to 5:00 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 Great Plain Avenue and Highland Avenue.

- 3.12 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a) The Petitioner shall submit two copies of the final Plans as approved by the Board.
 - b) Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approval to the Building Commissioner.
 - c) The final plans shall be in conformity with those previously approved by the Board in this Decision, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - d) 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 Petitioners title deed or notice endorsed thereon.
- 3.13 The space that is the subject of this Special Permit and Site Plan Approval shall not be occupied until:
- a) A Certificate of Compliance and an as-built floor plan, signed by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - b) That there shall be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance and as-built plan floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
 - c) There shall be filed with the Building Commissioner a statement by the Board acknowledging the arrangements for the provision of the off-site employee parking stickers.
- 3.14 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.15 The portion of the building that is authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner.
- 3.16 All solid waste shall be removed from the site by private contractor.

- 3.17 The Petitioner, by accepting this Approval, 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.
- 3.18 Violation of any of the conditions of this Approval 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 Approval, 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 Approval 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 Approval 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 modify and/or amend the conditions to, or otherwise modify, amend, or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit shall lapse on December 17, 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 December 17, 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 decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Major Site Plan 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 office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

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

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

Witness our hands this 17th day of December, 2024

NEEDHAM PLANNING BOARD



Natasha Espada, Chairman



Artie Crocker



Paul S. Alpert



Adam Block



Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

December 17 2024

On this 17 day of December, 2024, before me, the undersigned notary public, personally appeared Justin McCullen, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.



Notary Public

My Commission Expires: September 4, 2031

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, for Property located at 1450 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Director, PWD
Design Review Board
David A. Giangrosso, Attorney