

**Fourth Amendment to
Special Permit for Restaurant Parking
Planned Unit Development
88 Wharf Street, Owner
88 Wharf Hospitality LLC, Applicant**

The Milton Planning Board on February 28, 2008 issued a Special Permit for Restaurant Parking (the "Special Permit") to 88 Wharf Street, Owner and Wharf Street Restaurant Group, Applicant pursuant to Section III, Subsection I, Paragraph (6) of the Zoning Bylaws. The Special Permit is recorded with the Norfolk County Registry of Deeds in Book 25842 at Page 567. As provided in Paragraph 4 of the Special Permit, the Planning Board on March 18th, 2010 approved a First Amendment to Special Permit for Restaurant Parking. The Second Amendment of Paragraph 4 was approved by the Planning Board on May 4th, 2010 and the Third Amendment to paragraph 4 of the Special Permit was approved by the Planning Board on March 24th, 2011. Owner and Applicant have applied for further amendment so as to amend the Special Permit for Restaurant Parking to 88 Wharf Street, Owner and Wharf Street Restaurant Group, Applicant dated February 28, 2008 and the Third Amendment to Special Permit for Parking to 88 Wharf Street, Owner and 88 Wharf Street Restaurant Group.

The Planning Board finds that the Owner and Applicant have made a reliable showing that under current circumstances a requirement for provision of 10 parking spaces leased from the MBTA for restaurant use during the evening hours on Fridays and Saturdays is no longer a sustainable requirement.

Accordingly, the Planning Board amends the Third Amendment to the Special Permit for Restaurant Parking Planned Unit Development approved on March 24th, 2011 to strike the requirement for 10 parking spaces leased from the MBTA for restaurant use during the evening hours on Fridays and Saturdays.

The Planning Board finds that the Owner and Applicant, having received approval from the Select Board on November 4th, 2020 for a common victualler license and an application for an amended alcoholic beverage license, have demonstrated sufficient cause to strike certain provisions in the Special Permit for Restaurant Parking Planned Unit Development approved on February 28th, 2008.

Accordingly, the Planning Board strikes from the Special Permit for Restaurant Parking Planned Unit Development Paragraph 4 approved on February 28th; maximum of 97 seats in the building inclusive of 12 seats at the bar, 40 additional seats on the adjoining terrace; Take-out sales, exclusive of sales to residents of 88 Wharf shall not exceed 3% of total sales; hours of operation shall be between 5p.m. and 11p.m. daily and additionally on Sundays between 10a.m. and 2p.m. for brunch; Lunch on other days shall not be served.

The Planning Board finds that the Owner and Applicant have received the required approvals from the Select Board on November 4th 2020 for a common victualler

license and an application for an amended alcoholic beverage license with provisions that regulate hours of operations, state and local law compliance, noise, music, entertainment, refuse location and removal, take-out service, security system/alarm, deliveries, lottery and keno, smoking, "Restaurant not a Bar", meal service, seating, secured and visible patio area, employee training, sales of alcoholic beverages, designated locations for sale of alcoholic beverages, conditions of liquor license, records, revocations.

Accordingly, the Planning Board amends the Special Permit for Restaurant Parking Planned Unit Development Paragraph 4 approved on February 28th 2008, the First Amendment to the Special Permit approved March 18th 2010, Second Amendment to the Special Permit approved on May 4th 2010, and the Third Amendment to the Special Permit approved March 24th 2011, by including the language; The terms and conditions of the special permit are to be consistent with the approved common victualler license and alcohol license but for those terms and conditions specifically requiring an approval by the Planning Board.

All other terms and conditions of the Special Permit for Restaurant Parking and the First Amendment to Special Permit for Restaurant Parking, the Second Amendment to the Special Permit, and the Third Amendment to the Special Permit shall continue in full force and effect. This Fourth Amendment shall become effective upon recording with the Norfolk Registry of Deeds.

Executed at Milton, Massachusetts this 9th day of March 2021.

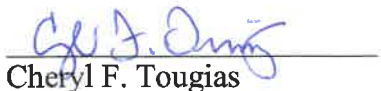
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