



PC 200,00 # 1845-B CK 10410 3/12/20

RECEIVED CLERK'S OFFICE SHARON, MA 02067

2020 MAR 13 A 9:43

# **Sharon Zoning Board of Appeals Application for Hearing**

1.	Optima Hospitality Group LLC  Name of Applicant:	
	C/O Macchi & Macchi LLC, 1256 Washington Street Norwood MA 02062	
2.	PO Box 333 Mailing Address of Applicant:	
۷.	Sharon MA 02067-0333	
3.	781-603-7699 Phone: Home Business:	
4.	Applicant is: (check) Owner X Tenant Licensee Prospective Purchaser Abutter Other	
5.	Address/Location of Property to be Subject to Hearing: 2R & 4R General Edwards Highway / 990 Boston Providence Highway	
6.	Owner of Property: Optima Hospitality Group LLC	
7.	Mailing Address of Owner: PO Box 333 Sharon MA 02067-0333	
7a.	Phone: Home Business: <u>781-603-7699</u>	
8.	D 4 - C 1 - 1 1 1 1 - 1 2 2 2 2 2 2 2 2 2 2 2 2	
9.	Has any application or appeal ever been filed with the Board of Appeals on this property?  If yes, name of Applicant: Optima Hospitality Group LLC	
10.	Has the lot been surveyed by a Registered Land surveyor? Yes	
11.	Nature of Application: (check)	
	<ul> <li>a. Appeal in accordance with MA GL Ch. 40, Sec 8 as amended.</li> <li>b. Special permit in accordance with MA GL Ch. 40A, Sec 9 as amended.</li> <li>c. Variance in accordance with MA GL Ch. 40A, Sec. 10 as amended.</li> </ul>	
12.	State the exact nature of this application (see instructions). State applicable section of Sharon Zoning	
	Bylaws Modify the Decision in Case No. 1845 by substituting the plan entitled "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts consisting of 10 Sheets dated July 1, 2019, Revised March 7, 2020" as may be amended for the plan en	titľed
	"Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts consisting of 10 Sheets dated July 1, 2019,	
	both drawn by Norwood Engineering Company, Inc. See attached Notice of Decision Case No. 1845.  This is a request for the modification of the two Special Permits and Site Plan Approval granted by the Board of Appeals as Case number	
	1845 dated September 11, 2019 and certified by the Sharon Town Clerk on September 17, 2019. The only change to plan is that the hotel	1
	is now a four-story building rather than a five story building with parking reconfigured to accommodate the change. More than the required	
	parking remains. There are no changes to impervious surfaces or other considerations and requirements from the previous decision.	

13. Complete the following checklist and include all necessary enclosures with application. (Refer to instruction sheet.)    X
A PDF COPY OF ALL PLANS, SPEC, AND ANY OTHER INFO BEING SUBMITTED WITH THE ZBA APPLICATION IS REQUIRED FOR ALL COMMERCIAL BUILDS. PLEASE EMAIL THE PDF FILES OR A LINK TO DOWNLOAD THE FILES TO ZBASHARON@TOWNOFSHARON.ORG. THE EMAILS SUBJECT LINE SHOULD INCLUDE THE ZBA CASE NUMBER AND THE STREET ADDRESS OF THE PROPERTY.
Sharon Zoning Board of Appeals Application of Hearing Page 2
I hereby request a hearing before the Sharon Zoning Board of Appeals with reference to the above noted application or appeal.
I am aware that the cost of advertising will be billed to me directly as the Applicant, by the newspaper at a later date. I am also aware that certain provisions of the By-Laws require the Applicant to provide certifications to the Zoning Board of Appeals. The cost of hiring the professional who will perform these certifications will be borne by the Applicant.  Signed:  Date: 3 10 200
Signed: Date:

# Schedule of Filing Fees

Application shall be accompanied by a filing fee, payable to the Town of Sharon of \$100.00 for the first two acres and \$25.00 for each additional acre or part thereof of the locus, except for applications for a public stable permit, that fee being \$25.00 regardless of land area.

# APPENDIX A SPECIAL PERMIT CONDITIONS AND WORKSHEET

	se is in harmony with the general purpose and intent of the bylaw:  SEE ATTACHED PREVIOUS NOTICE OF DECISION
	se is in an appropriate location and is not detrimental to the neighborhood and does not ly alter the character of the zoning district:
Adequate	and appropriate facilities will be provided for the proper operation of the proposed use:
neighborin	roposed use would not be detrimental or offensive to the adjoining zoning districts and ag properties due to the effects of lighting, odors, smoke, noise, sewage, refuse material other nuisances:
That the p	roposed use would not cause undue traffic congestion in the immediate area:

## APPENDIX B VARIANCE CONDITIONS ANDWORKSHEET

N/A

2. T	Structures:		
2. T			
	There must be circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.		
(	Circumstances:		
	Literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant.		
I	Hardship would be:		
4. Ī	Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw.		
I	Relief would be:		
I	Detriment would be:		
Ī	Is it substantial?		
7	Would the variance nullify intent or purpose above?		
]	Is there any substantial derogating, (Lessening) of the intent or purpose; and if so, what is it?		



# TOWN OF SHARON DEPARTMENT OF PUBLIC WORKS

217 REAR SOUTH MAIN STREET, P.O. BOX 517 SHARON, MASSACHUSETTS 02067 TEL: (781) 784-1525 FAX: (781) 784-1508

ERIC R. HOOPER, P.E. SUPERINTENDENT

PETER M. O'CAIN, P.E. TOWN ENGINEER

JOSEPH X. KENT INSPECTOR OF BUILDINGS

ELIZABETH CURLEY
BUSINESS MANAGER

#### MEMORANDUM

TO:

Applicant to Zoning Board of Appeals

FROM:

Kevin Davis, Agent of the Board of Health

SUBJECT: Requirement of Board of Health

As an applicant to the Zoning Board of Appeal, you will be required to provide the following information to the Health Agent:

- Certified plot plan showing all existing and proposed dwellings/additions, current septic system locations, architectural layout plans (if applicable), and FEMA base flood elevations.
- If an addition to the structure is proposed, a certification of current septic system status is required (A Title 5 Inspection Report or Certificate of Compliance no more than 2 years old).
- Any and all supporting documentation related to your project.

The above required documentation should be submitted at least two (2) weeks prior to your hearing date. Otherwise, This Department may not have sufficient time to review your documents and make comment.

#### NOTICE OF DECISION

RECEIVED CLERK'S OFFICE SHARON, MA 02067

## SPECIAL PERMITS AND SITE PLAN APPROVAL OPTIMA HOSPITALITY GROUP, LLC CASE NO. 1845

2019 SEP 17 P 4: 42

Date:

September, 11, 2019

Name/Address of Owner &

Optima Hospitality Group, LLC

Applicant:

c/o Macchi & Macchi, LLC

1256 Washington Street

Norwood, MA 02062

Application:

- 1. A Special Permit under Section 2334.k. To allow a hotel provided that the following are complied with:
  - (1) Minimum floor area per unit, not including corridors and public floor areas shall be 240 square feet;
  - (2) No unit floor elevation shall be located below the mean grade level of the land;
  - (3) No more than 10% of the public floor area (lobby, function rooms, restaurants) shall be used for accessory commercial uses such as newsstands, barber or beauty shops, vending machines, gift shops, or offices other than those offices necessary for the management of the hotel.

As shown on a plan entitled: "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts" consisting of 10 Sheets dated July 1, 2019 drawn by Norwood Engineering Company, Inc., 1410 Route One, Norwood, MA 02062, as may be amended.

- 2. A Special Permit under Section 4535 pursuant to Section 4540. To allow impervious coverage in excess of 15% (approximately 43.9% +/-) as shown on a plan entitled: "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts" consisting of 10 Sheets dated July 1, 2019 drawn by Norwood Engineering Company, Inc., 1410 Route One, Norwood, MA 02062, as may be amended.
- 3. Site Plan Approval under Section 6323.a. In the Light Industrial District for any hotel regardless of floor area or land disturbance.

Together with any other relief the Board deems necessary to allow the development as shown on a plan entitled: "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts" consisting of 10 Sheets dated July 1, 2019 drawn by Norwood Engineering Company, Inc., 1410 Route One, Norwood, MA 02062, as may be amended. Final Site Plans:

"Site Plan, #990 Boston Providence Highway, Walpole/Sharon,

Massachusetts" consisting of 10 Sheets dated July 1, 2019.

Location of Property:

2R & 4R General Edward Highway (Route 1)

(Attached to 990 Boston Providence Highway, Walpole)

Zoning Districts:

Light Industrial District

**Groundwater Protection District** 

Assessor's Reference:

Lots 116-4 and 116-5

Final Stormwater Management Report:

"Pre-Development & Post Development Stormwater Calculations 990 Boston Providence Highway Walpole/Sharon, Massachusetts.

Final Traffic Study:

"Traffic Impact Study Hotel Development 990 Boston Providence

Highway (Route 1) Walpole/Sharon, MA.

Reports, Correspondence, &

Data:

"Memorandum to Zoning Board of Appeals," from Health Agent for engineering; Subject: Parcels 2R and 4R General Edwards Highway - ZBA Case No. 1845, dated August 14, 2019.

"Memorandum to Zoning Board of Appeals" from Conservation Administrator, Re: #1845 Optima Hospitality Group, LLC 2R &

4R General Edwards, dated August 26, 2019.

"Memorandum in Support of Application for Special Permits & Site Plan Review," Macchi & Macchi, LLC, August 28, 2019.

Definitions:

Proposed Project - Hotel in Sharon & Walpole

Applicant - Optima Hospitality Group

#### PROCEDURAL BACKGROUND

The Proposed Project centers on a hotel that will be split between Sharon and Walpole in accordance with an inter-municipal agreement entered into by the two (2) Towns. In accordance with Section "2334. Uses and accessory uses allowed by special permit "k" to allow a hotel provided that the following are complied with: (1) Minimum floor area per unit, not including corridors and public floor areas shall be 240 square feet; (2) No unit floor elevation shall be located below the mean grade level of the land; (3) No more than 10% of the public floor area (lobby, function rooms, restaurants) shall be used for accessory commercial uses such as newsstands, barber or beauty shops, vending machines, gift shops, or offices other than those offices necessary for the management of the hotel." Thus, the Proposed Project requires a Special Permit from the Zoning Board of Appeals. The Proposed Project also requires impervious materials coverage exceeding fifteen percent (15%) of the lot area. Therefore, per Section "4535. Impervious Materials Coverage," a Special Permit to exceed 15% impervious coverage of lot area is also required.

In accordance with the Zoning Bylaws, Sections 2211 and 6320 through 6328 (Site Plan Approval), Site Plan Approval is required for any motel or hotel regardless of floor area or land disturbance. Therefore, the Proposed Project is subject to requirements for Site Plan Approval.

On or about August 2, 2019, the Applicant through its attorney, Philip H. Macchi, Esq. of Macchi, & Macchi, LLC, submitted an application to the Zoning Board of Appeals (the "Board") for Site Plan Approval pursuant to Section 6323.a. as well as for Special Permits pursuant to Sections 2334.k. and 4535 of the Zoning Bylaws.

A public hearing was held on Wednesday August 28, 2019 at 7:00 p.m. on the Application for a Special Permits for a Hotel and Impervious Materials Coverage. Site Plan Approval, and "any other relief the Board deems necessary. Notice of the public hearing was duly published in the Sharon Advocate on August 14, 2019 and August 21, 2019. The public hearing which initially convened on August 28, 2019 and was continued at the request of the Applicant to September 11, 2019 whereafter the public hearing was closed.

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## SPECIAL PERMITS

#### VOTE OF THE BOARD

After reviewing the Application, Final Site Plans, Final Stormwater Management Report, Final Traffic Study, correspondence, reports, testimony given at the public hearing, and all information gathered during the public hearing process, a motion was made by Mr. Brahmachari and seconded by Mr. Garber grant, subject to all terms and conditions of this Decision, the following Special Permits:

- 1. Special Permit under Section 2334.k. To allow a hotel provided that the following are complied with:
  - (1) Minimum floor area per unit, not including corridors and public floor areas shall be 240 s.f.;
  - (2) No unit floor elevation shall be located below the mean grade level of the land;
  - (3) No more than 10% of the public floor area (lobby, function rooms, restaurants) shall be used for accessory commercial uses such as newsstands, barber or beauty shops, vending machines, gift shops, or offices other than those offices necessary for the management of the hotel.

    As shown on the Final Site Plans.
  - 2. Special Permit under Section 4535 pursuant to Section 4540, to allow impervious coverage in excess of 15% (approximately 43.9% +/-) as shown on the Final Site Plans. The Vote was 3-0-0 in favor as follows:

Voting Zoning Board of Appeals Member for Case No. 1845 Abe Brahmachari

Steven Cohen

Joseph Garber

Approved/Not Approved

Approved Approved Approved

Approval of the Special Permits is hereby granted subject to the conditions set forth hereinafter. Failure of the Applicant to fully comply with the conditions of approval shall constitute due cause after notice and hearing to rescind either or both Special Permits.

### REASON FOR DECISION AND FINDINGS

The Board makes the following findings regarding compliance with requirements of the Zoning Bylaws:

The proposed hotel is located within the Light Industrial Zoning District and within the Groundwater Protection Overlay District. The locus is owned by Optima Hospitality Group, LLC and contains approximately 133,801 s.f. of land in Sharon of which approximately 108,560 s.f. are upland. The Sharon site is attached to land in Walpole with access to Routes 1 & 27 and the entire locus is being developed as a single lot.

The proposed hotel development is located at the corner on Routes 1 and 27. The Lot is currently occupied

by an Applebee's restaurant. The Applicant is proposing to build a five (5) story hotel with 116 rooms. On the ground level, the hotel will provide a common area, breakfast area, exercise room, pool, and several guest rooms. The balance of the rooms will be located on floors two (2) through five (5). The parking lot and curb cuts will be redesigned, with the two (2) curb cuts on Route 1 being consolidated into one (1). The parking lot is designed to provide a mix of covered and uncovered parking, with the covered parking doubling as solar panels. The building itself is the subject of an Inter-Municipal Agreement (IMA) between the Towns of Walpole and Sharon, which dictates that 55% of the building must be in Walpole and 45% of the building must be in Sharon. The IMA also addresses the proration of taxes, first responders, etc. Separate and distinct from the IMA the Applicant has entered into a Development Agreement with the Town of Sharon. The IMA and Development Agreement are incorporated herein and made a part hereof.

The site is subject to regulation under the Massachusetts Wetlands Protection Act and the Sharon Conservation Commission has issued an Order of Conditions for the proposed work. An access permit will be required for this project from the MassDOT. The Applicant will also need to enter into an agreement for water and sewer services with the Town of Walpole and the MWRA. Additionally, the Applicant will have to obtain approval from the applicable boards and commission in Walpole.

The site plan complies with the design standards of the Light Industrial District (§2335) with respect to the following:

- a. Building design and arrangement (setting), loading area design, rooftop mechanical equipment shielding and acoustical properties, and building energy efficiency comply with design requirements (§2335 a).
- b. Parking area design complies with design requirements (§2335 b).
- c. Site lighting design complies with design requirements (§2335 c).
- d. Pavement and curbing design requirements (§2335 d).

The proposed project complies with the dimensional criteria for the Light Industrial District (§2470) as set forth below.

- a. Lot Area §2471 (40,000 s.f. minimum required vs 133,801± s.f. provided)
- b. Lot Width §2471 (150 ft. minimum vs > 150 ft. provided)
- c. Lot Coverage §2473
  - (60% maximum excluding parking decks and parking structures vs 43.9% ± provided)
  - (75% maximum including parking decks and parking structures vs 43.9% ± provided)
- d. Open Space Coverage §2474 (20% minimum required vs 56.1% ± provided)
- e. Building Location §2475
  - (Street Setback (75 ft. to sideline vs N/A no street frontage)
  - (100 ft. to the centerline of any street vs N/A no street frontage)
  - (30 ft. minimum to I-95 vs 62 ft. provided vs 223.4 ft. ± provided)
  - Side or Rear Lot Lines (30 ft. minimum vs 65.3 ft. ± side and 223.4 ft. ± rear provided)
- f. Building Height §2475 (80 ft. maximum permitted vs. ≤ 80 ft. provided)

The proposed hotel complies with the dimensional criteria for the Water Resources Protection District (§4500) as set forth below.

- a. Lot size (minimum 40,000 sq.-ft. or 60,000 sq.-ft. in the GWPD required vs 133,801 s.f. ± provided)
- b. Impervious materials coverage (maximum permitted 15% except by Special Permit and maximum permitted with Special Permit 60% per the underlying Light Industrial District vs 43.9% ± provided). The Special Permit for impervious materials coverage exceeding 15% of the lot area was granted by the Zoning Board of Appeals as part of this application

## c. Natural Vegetation Area (40% minimum required vs 56.1% ± provided)

The Board finds that the Special Permit submission including the site plans dated July 1, 2019 adequately comply with the requirements for Special Permits in the Water Resources Protection District (§4552) and Special Permits generally.

In granting approval of the Special Permits, the Board finds that in its judgment all of the following conditions are met:

The Proposed Project complies with the required criteria for a Special Permit (§6312) as set forth below.

## (a) The specific site is an appropriate location for such a use, structure or condition;

The site is situated off Route 1 which is a highly commercialized area containing mixed commercial uses such as manufacturing, warehousing, office building, lumber yard, restaurants and a mixed variety of other uses. Town Meeting specifically added the hotel/motel use to the Light Industrial District at the request of a former landowner of this parcel. As such, the proposed hotel development is in harmony with the general purpose and intent of the Sharon by-laws which provide in part "to conserve the value of the land" and "to encourage the most appropriate use of the land."

# (b) The use as developed will not adversely affect the neighborhood;

Section 2331 lists a number of permitted uses e.g. manufacturing, research and development and laboratories, warehousing, storage and distribution, offices, retail, with hotels/motels, recreation, drive-thrus, etc. being allowed by Special Permit. As the Applicant is proposing to build a hotel straddling the Walpole/Sharon line which is specifically authorized by the Zoning By-Law, the development is compatible with the Light Industrial District. The hotel use of the land as allowed under Section 2331 is benign and will have minimal outside lights, not create any odor, smoke, or noise, nor will it create visual or other nuisances. It should be noted that the immediate abutters to the project are a vacant gas station, the Big Y Plaza, Applebee's, two (2) working gas stations, a small strip mall, the State refueling facility, Walmart, a car wash, and another hotel. As such, allowing the development for uses allowed under Section 2331 will not have any adverse effect on the character or the zoning district, rather it is consistent with the existing businesses in the area and the intent of the Zoning District.

## (c) There will be no nuisance or serious hazard to vehicles or pedestrians;

The hotel use will not create any nuisances or service hazardous to vehicles or pedestrians. The access and egress as well as internal traffic flow have been designed to improve the overall traffic at the Route 1 and Route 27 intersection while providing hotel and restaurant patrons safe and convenient access to the buildings on site. The proposed construction will not have any adverse impact to Route 1. Further, there are no known historical deficiencies with the site distances associated with the existing driveway. It should also be noted that the existing curb cuts are being significantly redesigned in order to meet MassDOT standards. The volume of traffic from and to the hotel should not have any significant impact to Route 1 nor is there any anticipated adverse effect to other roads connecting to Route 1 in the area.

# (d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

The hotel, its connection to the existing Applebee's, and the attendant parking and appurtenances

are all designed to accommodate both the hotel guests as well as the restaurant patrons. The proposed design has taken this into account for the smooth and proper operation of both buildings. The site has an existing electric connection and the Applicant is currently negotiating for water and sewer service with the Town of Walpole. For specific details please see the Final Site Plan.

The Proposed Project complies with the optional criteria for a Special Permit (§6313) as set forth below.

(g) Adequacy of method of sewage disposal, source of drinking water, and drainage.

As mentioned above, the Applicant is negotiating with the Town of Walpole for sewer and water service. Once approved, the Applicant will submit a Straddle Permit application to the MWRA. The hotel will not be built, until the Agreement is final and Straddle Permit granted. The Applicant has submitted a full stormwater management report that addresses drainage in depth. Additionally, the Applicant has filed a Notice of Intent with the Conservation Commission in Sharon and Walpole, both Commissions have reviewed the project and have approved the same subject to coordinating the two (2) Orders of Conditions. For additional specificity see the Final Site Plans and Stormwater Report submitted with the Application.

(i) If within the Ground Water Resource Protection District, measures to minimize cumulative impacts on municipal water supplies, including consideration of nitrate-nitrogen loadings and other chemicals as specified by State and Federal regulations for drinking water.

The proposed hotel is being designed taking the watershed into account. As stated previously, the impacts of the development were reviewed by Conservation Commissions in both Sharon and Walpole. The resulting Orders of Conditions will address any issues regarding impacts to municipal water supplies. With regard to the development itself, the hotel will be connected to MWRA sewer thus issues associated with septic systems are not applicable.

(o) For Special Permits under Section 4535, the adequacy of proposed method and supporting evidence of the ability to recharge, on-site, any increase in the volume of runoff from an impervious area, and/or the adequacy of proposed method and supporting evidence to recharge the underlying groundwater deposit and minimize sedimentation of surface water.

The stormwater management system is designed with a series of catch basins, manholes, and piping which collect runoff from the proposed development and the adjacent watersheds. These devices provide pre-treatment prior to conveying stormwater into the various stormwater treatment and infiltration devices. The stormwater management system is designed in accordance with the DEP stormwater management standards. For further specificity please see the Stormwater Report prepared by Norwood Engineering and the Final Site Plans submitted with the Application.

The Proposed Project complies with the required criteria for a Special Permit (§4535) as set forth below.

(a) Paragraph one: In evaluating a Special Permit for an increase in impervious areas above this limit, consideration shall be limited to a determination that any increase in the total volume of storm water runoff for the one (1) year frequency storm event will be recharged on-site in compliance with 4534.

"§4534: Site design shall comply with the provisions of the Stormwater Discharges Generated By Construction Activity General By-Law of the Town and further shall comply with all provisions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy (November 18, 1996, minor revisions March 1997) whether or not the site is otherwise subject to the Massachusetts Wetlands Protection Act (MGL Ch 131 §40). Site design shall result in no increase in the peak rate of storm water runoff for the ten (10) year frequency storm event. Site design shall result in no increase in the total volume of storm water runoff for the one (1) year frequency storm event. Following removal of contaminants, runoff shall be directed towards areas covered with vegetation for surface infiltration. Catch basins, stormdrains, and stormwater leaching structures shall be used only where other methods are infeasible, and where such devices are used, shall employ oil/particle separators and other anti-pollution devices and storm water retention/detention basins. Prior to discharge to vegetated surface infiltration areas or to stormwater leaching structures, stormwater shall be treated to remove eighty (80) percent of the Total Suspended Solids (TSS) and shall also be treated in a structure to remove petroleum based contaminants. All sites shall be subject to an Operation and Maintenance Plan using Best Management Practices pursuant to Massachusetts Department of Environmental Protection practice. The Operation and Maintenance Plan requires an adequate funding mechanism to ensure proper maintenance of all components of the stormwater management system in perpetuity. To the extent practicable, the Operation and Maintenance Plan shall prohibit use of sodium chloride for maintenance of vehicular areas."

In approving the Special Permit under §4535, the Board considered and finds that the site design complies with all State and Town Stormwater regulations for both Sharon and Walpole. The stormwater management system as proposed is consistent with these requirements. The stormwater system described above employs a series of deep sump catch basins, proprietary treatment devices and underground recharge systems, in order to regulate the discharge into the wetland. The Applicant has provided an Operations and Maintenance Plan as part of its Notice of Intent Filing with the Conservation Commission. For more specific stormwater information see the Stormwater Report and the Final Site Plans submitted with the Application.

(b) Paragraph 2: The natural vegetation area shall be located so as to maximize the distances between impervious surfaces or on-site disposal systems and any surface water body or municipal well.

There are no on-site disposal systems, nor are there any surface water bodies or municipal wells in the vicinity of the Proposed Project that impact the placement of impervious surfaces.

The Proposed Project complies with the relevant criteria for a Special Permit (§4541) as set forth below.

...<u>In making such determination</u>, the Board of Appeals shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality posed by potential failure of any proposed measures.

The Proposed Development is comprised of the hotel, covered and uncovered parking as well as loading areas. The stormwater system accordingly is designed to capture and recharge the stormwater as discussed previously. The Applicant has developed an Operations and Maintenance Plan approved by the Conservation Commission. The design incorporates all appropriate and applicable treatment Best Management Practices. The Applicant provided additional information at the public hearings and in the Stormwater Report prepared by Norwood Engineering submitted with the Application.

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#### SITE PLAN APPROVAL

#### VOTE OF THE BOARD

After reviewing the Application, Final Site Plans, Final Stormwater Management Report, Final Traffic Study, correspondence, reports, testimony given at the public hearing, and all information gathered during the public hearing process, a motion was made by Mr. Brahmachari and seconded by Mr. Garber to grant, subject to all terms and conditions of this Decision, the Site Plan Approval for the Proposed Project. The Vote was 3-0-0 in favor as follows:

Voting Zoning Board of Appeals Member for Case No. 1845 Abe Brahmachari Steven Cohen Joseph Garber

Approved/Not Approved

Approved Approved

Approval of the Application for Site Plan Approval is hereby granted subject to the conditions set forth hereinafter. Failure of the Applicant to fully comply with the conditions of approval shall constitute due cause after notice and hearing to rescind Site Plan Approval.

## **REASON FOR DECISION AND FINDINGS**

The Board makes the following findings regarding compliance with requirements of the Zoning Bylaws.

The proposed hotel is located within the Light Industrial Zoning District and within the Groundwater Protection Overlay District. The locus is owned by Optima Hospitality Group, LLC and contains approximately 133,801 s.f. of land in Sharon of which approximately 108,560 s.f. are upland. The Sharon site is attached to land in Walpole with access to Routes 1 & 27 and the entire locus is being developed as a single lot.

The proposed hotel development is located at the corner on Routes 1 and 27. The Lot is currently occupied by an Applebee's restaurant. The Applicant is proposing to build a five (5) story hotel with 116 rooms. On the ground level, the hotel will provide a common area, breakfast area, exercise room, pool, and several guest rooms. The balance of the rooms will be located on floors two (2) through five (5). The parking lot and curb cuts will be redesigned, with the two (2) curb cuts on Route 1 being consolidated into one (1). The parking lot is designed to provide a mix of covered and uncovered parking, with the covered parking doubling as solar panels. The building itself is the subject of an Inter-Municipal Agreement (IMA) between the Towns of Walpole and Sharon, which dictates that 55% of the building must be in Walpole and 45% of the building must be in Sharon. The IMA also addresses the proration of taxes, first responders, etc. Separate and distinct from the IMA the Applicant has entered into a Development Agreement with the Town of Sharon.

The site is subject to regulation under the Massachusetts Wetlands Protection Act and the Sharon Conservation Commission has issued an Order of Conditions for the proposed work. An access permit will be required for this project from the MassDOT. The Applicant will also need to enter into an agreement for Water and Sewer with the Town of Walpole and the MWRA. Additionally, the Applicant will have to obtain approval from the applicable boards and commission in Walpole.

The site plan complies with the design standards of the Light Industrial District (§2335) with respect to the following:

- a. Building design and arrangement (setting), loading area design, rooftop mechanical equipment shielding and acoustical properties, and building energy efficiency comply with design requirements (§2335 a).
- b. Parking area design complies with design requirements (§2335 b).
- c. Site lighting design complies with design requirements (§2335 c).
- d. Pavement and curbing design requirements (§2335 d).

The proposed project complies with the dimensional criteria for the Light Industrial District (§2470) as set forth below.

- a. Lot Area §2471 (40,000 s.f. minimum required vs 133,801± s.f. provided)
- b. Lot Width §2471 (150 ft. minimum vs > 150 ft. provided)
- c. Lot Coverage §2473
  - (60% maximum excluding parking decks and parking structures 43.9% ± provided)
  - (75% maximum including parking decks and parking structures vs 43.9% ± provided)
- d. Open Space Coverage §2474 (20% minimum required vs 56.1% ± provided)
- e. Building Location §2475
  - Street Sideline Setback (N/A no street frontage)
  - Street Centerline Setback (N/A no street frontage)
  - Freeway Sideline Setback (30 ft. minimum vs 62 ft. provided)
  - Freeway Edge of Pavement (100 ft. minimum & vs 223.4 ft. ± provided)
  - Side Lot Lines Setback (30 ft. minimum vs. 65.3 ft. ± provided)
  - Rear Lot Lines Setback (30 ft. minimum vs 223.4 ft. ± provided)
- f. Building Height §2475 (80 ft. maximum permitted vs. ≤ 80 ft. provided)

The proposed hotel complies with the dimensional criteria for the Water Resources Protection District (§4500) as set forth below.

- a. Lot size (minimum 40,000 sq.-ft. or 60,000 sq.-ft. in the GWPD required vs 133,801 s.f. ± provided)
- b. Impervious materials coverage (maximum permitted 15% except by Special Permit and maximum permitted with Special Permit 60% per the underlying Light Industrial District vs 43.9% ± provided). The Special Permit for impervious materials coverage exceeding 15% of the lot area was granted by the Zoning Board of Appeals as part of this application
- c. Natural Vegetation Area (40% minimum required vs 56.1% ± provided)

The Proposed Hotel requires site plan approval (§6321 and §6323.a(2)).

The Board of Appeals transmitted one copy of the site plans to Town Boards and based upon written responses from the Agent for Engineering on behalf of the Board of Health, the Conservation Agent on behalf of the Conservation Commission and the Town Engineer finds that the Proposed Project is generally consistent with their requirements (§6324).

The Board finds that the site plan review submission including the site plans dated July 1, 2019 adequately comply with the requirements for site plan review applications (§6326).

The Proposed Project complies with the criteria for site plan approval (§6328) as set forth below.

a. The extent to which the site plan protects adjoining premises and on-site residential uses against any possible detrimental or offensive uses on the site including unsightly or obnoxious appearance by precluding or minimizing such uses.

The adjoining premises across the highway and to each side are commercial in nature and there are no on-site residential uses. The proposed hotel is allowed by Special Permit in Sharon and by right in Walpole and will have no detrimental or offensive impact. The building is tastefully designed and will not be unsightly or obnoxious in appearance. All lights attached to the building will be situated so as not to shine beyond the perimeter of the site or interfere with traffic.

b. The extent to which the site plan provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements.

The existing driveways and parking areas have been redesigned to provide convenient and safe vehicular and pedestrian movement in relation to Routes 1 and 27. One curb cut onto Route 1 is being removed and the other is being brought into compliance with MassDOT regulations. It should be noted that the site design is adequate for vehicular movement. Accordingly, there should be no impact to Route 1. The traffic study completed by McMahon Associates and submitted as part of the Application analyzed traffic issues at the Route 1 and 27 intersection for vehicles and pedestrians. McMahon has consulted with both Sharon and Walpole as well as MassDOT to ensure that all possible issues were addressed. Note: the final approval of any work in the intersection lies with MassDOT, which will not make any findings until all local permitting has been finalized.

c. The extent to which the site plan provides adequate methods of disposal for sewage, refuse or other wastes resulting from the uses permitted or permissible on the site, the methods of drainage for surface water, and of provisions for the removal of snow from circulation and parking areas.

The Site Plan provides adequate methods of disposal for sewage, refuse, or other waste resulting from the operation of the hotel. The development incorporates a drainage system for surface water, provisions have been made for the removal of snow from circulation and parking areas and areas identified for snow storage. For further specificity see the plan entitled: "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts" consisting of 10 Sheets dated July 1, 2019 drawn by Norwood Engineering Company, Inc., 1410 Route One, Norwood, MA 02062, submitted with the Application. Note: all sewage will be directed into the MWRA sewer system. All refuse will be collected in a dumpster and taken off site so there will be no adverse accumulation of the same.

d. The extent to which the site plan provides adequate parking and street loading facilities.

The development is designed to provide adequate parking and loading for both the new hotel and existing Applebee's restaurant. Moreover, the loading areas for both buildings have been designed to accommodate both uses with no disruption to traffic in the area.

e. The extent to which the site plan promotes public safety in terms of adequate fire and police protection and access.

The Applicant has discussed first responder safety within the proposed development and along the Route 1 area with the Fire and Police Departments in both Sharon and Walpole. The two (2) towns have entered into an Inter-Municipal Agreement that outlines the responsibilities of each. The Applicant has also entered into a Development Agreement with each town to ensure it follows the procedures agreed upon by Sharon and Walpole. The proposed development was reviewed for adequate access and the plan was found to be acceptable by Sharon and Walpole. The Inter-Municipal Agreement and Development Agreement are incorporated herein and made a part hereof.

f. If within the Surface Water Resource Protection District, the extent to which the site plan incorporates measures to minimize cumulative impacts on Lake Massapoag and its tributary streams, including consideration of nitrate-nitrogen loadings.

This project is not within the Surface Water Resource Protection District as such this criterion is not applicable.

g. If within the Ground Water Resource Protection District, the extent to which the site plan incorporates measures to minimize cumulative impacts on municipal water supplies including consideration of nitrate-nitrogen ladings.

The stormwater management system is designed with a series of catch basins, proprietary treatment structures, underground recharge, and piping which collect runoff from the proposed development and the adjacent watersheds. These devices provide pre-treatment prior to conveying stormwater into the various stormwater treatment and infiltration devices. The stormwater management system is designed in accordance with the DEP stormwater management standards. Both the Stormwater Report and the plan set entitled: "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts" consisting of 10 Sheets dated July 1, 2019, submitted with the Application provide additional detail. There is no septic system associated with the hotel.

h. If within Water Resource Protection District, the extent to which earthwork minimizes impacts on groundwater resources.

The Applicant submitted a Stormwater Pollution Prevention Plan (SWPPP) for the proposed development to the Conservation Commissions in both Sharon and Walpole for their review and approval. The plan includes, construction sequencing, erosion and sediment control, protection of natural buffers, maintenance of control measures, temporary stabilization, and protection measures regarding soil compaction. Accordingly, the development incorporates specific measures to minimize the impacts on groundwater resources.

#### CONDITIONS OF APPROVAL

Site Plan Approval is subject to the following conditions:

- 1. Within sixty (60) days following the date that this Decision becomes final and unappealable and is certified as such by the Town Clerk for the Town, the Applicant shall record this Decision in the Norfolk County Registry of Deeds and provide proof of recording to the Board.
- 2. Should a conflict arise between the express terms of this Decision and the findings and waivers

herein and/or The Final Site Plans and the "Town of Sharon Zoning Bylaws," the terms of this Decision and the Final Site Plans shall govern. In the event that the terms of this Decision and the Final Site Plans are silent as to any matter addressed by the Bylaws, the terms of the Bylaws shall govern.

- 3. All on-site work and off-site work shall fully comply with federal, state, and Town laws, by-laws, regulations, and licensing and the terms, conditions, findings and waivers set forth in this Decision.
- 4. The Applicant shall grant the Town of Sharon, its agents, and third parties engaged by the Town of Sharon, right of entry onto the lot for the purpose of inspecting construction and determining compliance with this Decision.
- 5. The site shall be constructed in substantial conformance with the approved site plan entitled "Site Plan, #990 Boston Providence Highway, Walpole/Sharon, Massachusetts" consisting of 10 Sheets dated July 1, 2019 (the "site plan").
- 6. The Project shall comply fully with all provisions of the Inter-Municipal Agreement (the "IMA") dated May 23, 2019, between the Applicant and the Town of Sharon and the Town of Walpole and the Development Agreement between the Applicant and the Town of Sharon, copies of which are attached hereto and incorporated herein.
- 7. The Applicant shall obtain approval of the Stormwater Pollution Protection Plan from the Sharon Town Engineer prior to the issuance of a building permit.

#### LIMITATION

Site Plan Approval is granted pursuant to the "Town of Sharon Zoning Bylaws" and a copy of this Decision shall be filed with the Town Clerk. If the rights authorized by Site Plan Approval are not exercised within two (2) years after the date that this Decision is filed with the Town Clerk, then these rights may only be reestablished only after a notice and a new hearing has been held pursuant to Section 17 of Chapter 40A, Massachusetts General Laws, unless the Board of Appeals finds that the construction or use permitted by the site plan approval was not commenced for good cause.

\*\*\*\*\*\*

### APPEAL

Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this Decision in the Office of the Town Clerk.

After the appeals period has expired, the Applicant shall obtain certified notice from the Town Clerk that no appeals have been filed. Said notice must be filed with the Registry of Deeds with this Special Permit Decision. The Applicant shall provide documentation of such recording to the Town Clerk and the Zoning Board to complete the file.

\*\*\*\*\*\*\*

Date: September 16, 2019

I, Abe Brahmachari, Chairman of the Town of Sharon Zoning Board of Appeals, hereby certify on behalf

of the Zoning Board of Appeals, that the foregoing is a true copy of the Decision of the Zoning Board of
Appeals and that certified copies of this Decision have been filed with the Planning Board and the Town Clerk.
1/1 9/16/2019
Abe Brahmachari, Chairman
Town of Sharon, Zoning Board of Appeals
********
Filethin the Office of the Town Clerk on the day of September, 2019.  Marlene B. Chused, Town Clerk
**********
Date: September, 2019
Date. September2019
I, Marlene B. Chused, Town Clerk of the Town of Sharon, hereby certify that the foregoing is a true copy of the Decision of the Town of Sharon Plan Approval Authority dated September, 2019 and filed with the Office of the Town Clerk on September, 2019 and that twenty (20) days have elapsed after the date of such filing without the filing of any appeal on such Decision.
Marlene B. Chused. Town Clerk

cc: Town Clerk

Applicant – Optima Hospitality Group/Macchi & Macchi, LLC
Building Inspector/Zoning Officer
Zoning Board of Appeals
Board of Health
Board of Assessors
Fire Chief
Police Chief
Board of Selectmen
Gelerman and Cabral, LLC

Notice of Decision

Certified abutters within 300 feet Planning Boards of Abutting Towns



# TOWN OF SHARON

OFFICE OF THE

## **BOARD OF ASSESSORS**

90 SOUTH MAIN ST. SHARON, MASSACHUSETTS 02067 TEL. (781) 784-1500

March 11, 2020

RE:

4R General Edwards Hwy

Map 1

116-4

## TO WHOM IT MAY CONCERN:

I, Jeffery L. Funk, Administrative Assessor of the Town of Sharon, hereby certify that attached is a list of abutters in the Town of Sharon within 300'radius of the above mentioned location in the Town of Sharon. This list is compiled from the record of the Board of Assessors most recent tax assessment.

**BOARD OF ASSESSSORS** 

Enclosure

Jeffery L. Funk, M.A.A.

COMMONWEALTH OF MASSACHUSETTS

Norfolk,ss.

Date: March 11,2020

Then personally appeared the above-named Jeffery L. Funk, and acknowledged the foregoing to be his

free act and deed, before me

Notary Public

My commission expires:

BETH A. KOURAFAS

Notary Public

COMMONWEALTH OF MASSACHUSETTS

My Commission Expires

July 27, 2023

TIMSMZIP	02114 01890 02202 02171 02171 01890
MSMCITY MSMSTATI MSMZIP	BOSTON MA WINCHEST MA BOSTON MA QUINCY MA QUINCY MA
MSOWNERA	MASS DEPT OF PUBLIC WORKS JCVK INC COMMONWEALTH OF MASSACHUSETTS BOYCE, KENNETH M & MICHAEL JTRS BOYCE, KENNETH M & MICHAEL JTRS MJD INC
V d d N/V/OSFV	
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	MSPARCELID MSLOCATION MASS DEPT OF PUBLIC WORKS 123003003 000 OLD POST RD 115006001 2R GENERAL EDWARDS HWY COMMONWEALTH OF MASSACHI 116005000 2R GENERAL EDWARDS HWY BOYCE, KENNETH M & MICHAEL 115008002 4 GENERAL EDWARDS HWY MJD INC

Parcel ID: 115006001 JCVK INC 15 VINSON CIR WINCHESTER MA 01890 Parcel ID: 115008002 MJD INC 15 VINSON CIRCLE WINCHESTER MA 01890 Parcel ID: 116004000
BOYCE, KENNETH M & MICHAEL J TRS
B STREET REALTY TRUST
C/O KENNETH M BOYCE
QUINCY MA 02171

Parcel ID: 116005000
BOYCE, KENNETH M & MICHAEL J TRS
B STREET REALTY TRUST
C/O KENNETH M. BOYCE
QUINCY MA 02171

Parcel ID: 123003000 COMMONWEALTH OF MASSACHUSETTS OFF OF COMM,,DEPT OF ENV.MGMT. 100 CAMBRIDGE ST BOSTON MA 02202 Parcel ID: 123003003 MASS DEPT OF PUBLIC WORKS 100 NASHUA ST BOSTON MA 02114