

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION**

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TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2015 NOV 23 AM 10:45

**TO BE COMPLETED BY STAFF**

Case Number: 3273 Town Clerk Stamp

Submittal Accepted: \_\_\_\_\_ Date \_\_\_\_\_  
*Signature of Planning Dept. Staff for minimal requirements*

Determined to be complete and may now be filed with Town Clerk: \_\_\_\_\_  
*Signature of Principal Planner or Director*

**PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT**

**PROJECT / PROPERTY STREET ADDRESS:** 200 Libbey Parkway

Assessor's Map Sheet, Block, & Lot: 34-435-14

Zoning District: Planned Office Park Overlay District: Watershed & Groundwater

**OWNER OF RECORD (S)** (print & sign): Foxrock 200 Libbey LLC

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 100 Newport Ave Extension Quincy MA 02171

Norfolk County Registry of Deeds Book and Page No. N/A

Or registered in Land Registration Office under Certificate No. LC Cert #190495

**NAME OF APPLICANT (S)** (print & sign): Foxrock Properties LLC Attn: Chris Reale

Applicant's Address: 100 Newport Ave Extension Quincy MA 02171

Contact Information: Email CREALE@FOXROCKPROPERTIES.COM Phone 781-443-7410

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

**NAME & AFFILIATION OF REPRESENTATIVE:** David A Kelly Attorney at Law

Address: 45 Braintree Hill Office Park #302 Braintree MA 02184

Contact Information: Email DAVIDKELLYESQ@COMCAST.NET Phone 781-848-6800 / 339-927-6084 (CELL)

**NAME OF ENGINEER AND / OR ARCHITECT:** Tetra Tech

100 Nickerson Road Marlborough MA 01752

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Chris Reale - Chris Reale  
Applicant / Petitioner - Date (sign & print)

## NATURE OF REQUEST

Application is for: ☐ Special Permit ☒ Variance ☐ Amendment Other: \_\_\_\_\_

**Applicable Section of Zoning Ordinance** (specify Section (s) of the Zoning Ordinance from which relief is sought):

120-51 SCHEDULE OF DISTRICT REGULATIONS TABLE 1 -- SPECIAL PERMIT MAXIMUM HEIGHT -- 4 STORY OFFICE BUILDING AND 6 STORY PARKING GARAGE

120-74 I MINIMUM REQUIRED SPACES -- VARIANCE FOR MEDICAL PROFESSIONAL BUILDING

120-62- FRONT YARD LANDSCAPING

*The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.*

## PETITIONER'S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

Existing is a two story brick industrial use building constructed when the area was zoned Planned Industrial Park.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

APPLICANT SEEKS AS PART OF MASTER PLAN PROCESS: (A) -- To construct a new four story medical office of 120,000 SF and ( B) --- To construct a new six story parking garage with 558 garage spaces and 60 spaces at grade. The existing building demolished.

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

120-35.2.3.A ---- PLANNED OFFICE PARK --- OFFICE BUILDINGS PERMITTED USE -- PARKING GARAGE AN ACCESSORY STRUCTURE

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

BZA JANUARY 30, 1997 LC DOCUMENT # 759625-1

5. Any other additional information as relevant to the Variance or Special Permit:

AND THE RE-DEVELOPMENT 200 LIBBEY AND OF 0 PERFORMANCE AND 90 LIBBEY AND OF 7 PERFORMANCE AND 97 LIBBEY ARE PART OF THE MASTER PLAN PERMITTING PROCESS AS RELATED PROJECTS

## ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use		2 STORY BRICK BILDING	ADD NEW 4 STORY OFFICE BUILDING AND 6 STORY PARKIN
Lot Area / Size (Sq. Ft.)	43,560	187,308	187,308
Dwelling Units	N/A	N/A	N/A
Frontage (ft.)	150		
Lot Width (ft.)	150	419.98	419.98
Front Yard Setback (ft.)	40	97.0	97.0
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	25	57.5	57.5
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	25	>25	>25
Height (ft.) & # of Stories	3 STORIES 35 FEET	2 STORIES <35	4 STORY BUILDING & 6 STORY GARAGE < 80 FEET
Lot Coverage	60% MAXIMUM		59%
Off-Street Parking Spaces	1200 ( 120,000 sf)		618 TOTAL
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio	N/A NON-RESIDENTIAL	NO CHANGE	NO CHANGE
Signage	N/A	NO CHANGE	NO CHANGE
Other:			

## SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

### SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit **only** if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

The Medical Office Use is a permitted use in the Planned Office Park District. Parking garage is an accessory structure and use.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

The proposed use and structure is a medical office building and parking garage in a Planned Office Park District and consistent with intent of the zoning district.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

No. The Special Permit is required for maximum height exceeding 3 stories for the office building and garage. The Traffic Report and history in the Libbey Park demonstrate that no nuisance or serious hazard to pedestrians and vehicles.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

Yes. Per plans submitted.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

Public convenience is substantially served by placing improving the Planned Office Park Zoning District with a new building consistent with recent development of office park use and providing additional office space in the Planned Office Park and providing additional taxable base for real estate tax assessment.

**SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS**

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use  
(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")**

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

N/A

**EXTENSION OR CHANGE FINDINGS OF FACT:**

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

2. Indicate how long the nonconforming aspects of the structure have been in existence:

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

## VARIANCE APPLICATION

To be completed for Variance applications only.

### VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

Literal enforcement requires 10 / 1000 SF and substantial financial hardship arises due to number of spaces required by Ordinance compliance limited by soil conditions.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

Hardship is owed to circumstances relating to soil conditions, specifically Wetland Protection Act where portions of Locus are within the 100 foot and 50 foot Conservation buffer zones, Whitmans Pond limiting parking area. The front landscape requirement is limited due the Conservation buffer zones in the side and rear setbacks. The existing condition does not comply and is currently paved parking.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

The intent of the Ordinance is to provide adequate and safe parking and is attained by the parking spaces at 5.1 spaces/ 1000 SF with historical experience demonstrates that the request does not derogate the intent of the Ordinance or present any detriment to public good. The Front Yard landscape variance may be granted without detriment as the rear and side yard about Wetlands and Town Owned Public Open Space and the Lot Coverage requirement is satisfied. The District is Planned Office Park such that the intent of a front yard landscape provision is less critical than expected in residential or general business zone.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

The Variance Request for Medical Office Parking Requirements. Ordinance Requires 1 Space per 100 SF or 10/1000 SF. Minimum Required Spaces are 1200 spaces for 120,000 SF gross floor area. Applicant provides 558 garage spaces and 60 grade spaces for a total of 618 Spaces or 5.1 spaces / 1000 consistent with medical parking relief granted at 90 Libbey Case #3069 and 97 Libbey Case #3196

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.



Town of Weymouth Board of Zoning Appeals  
75 Middle Street  
East Weymouth, MA 02189

**Re: Libbey Industrial Parkway – Special Permit – Step 1 Application**

Ladies and Gentlemen,

We are very excited to submit the enclosed materials for prospective development projects along Libbey Industrial Parkway (“**Libbey**”). FoxRock Properties LLC (“**FoxRock**”) is seeking the requested zoning relief to develop up to 226,000 square feet of medical office buildings with ancillary parking in addition to the roughly 175,000 square feet of existing medical and office space at 90 and 97 Libbey owned and operated by FoxRock. We firmly believe that when our vision is executed successfully, Weymouth will further cement its position as the medical hub of the South Shore.

We greatly appreciate your consideration of this application. We want to extend our appreciation to Jim Clarke, Eric Schneider and Owen MacDonald and all of the other staff members that have helped us prepare a package that will effectively advance our development plans.

Attracting large medical tenants is difficult. These organizations have a number of options and many, many variables to consider when selecting sites. In our experience, one major variable for decision-makers at these organizations is certainty on timing and feasibility for development. Put simply, they want to know that a developer can deliver what is promised. We recognized that inviting this earlier and additional layer of review would be more expensive and time-consuming for our company, but we are firmly committed to realizing this vision. Your consideration of, and hopefully approval of, the enclosed application is a critical and necessary aspect of FoxRock’s marketing efforts.

We hope that the enclosed materials provide sufficient conceptual information regarding this development to grant the requested Step 1 relief. Please bear in mind that we will be submitting a full set of plans and specifications (Step 2) for each site once we have progressed with prospective tenants to provide the level of detail that is typically submitted for consideration.

Our commitment to owning and developing medical and office space in Weymouth has only grown stronger due to our experience at 90 and 97 Libbey. This proposal is a significant and vitally important initiative for FoxRock. We want to complete the transformation of this area into a vibrant medical and office campus.

We greatly appreciate your consideration and flexibility and look forward to answering any questions that you may have regarding the enclosed or our proposed plans.

Very truly yours,

FoxRock Properties, LLC

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Name: Jason Ward