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TOWN OF WEYMOUTH 2015 NOV 23 AM 10:44
BOARD OF ZONING APPEALS APPLICATION

TO BE COMPLETED BY STAFF

Case Number: 3271

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: 7 Performance Drive

Assessor's Map Sheet, Block, & Lot: 34-433-17

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

OWNER OF RECORD (S) (print & sign): Foxrock Weymouth Realty 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. BK 31203 PG 532

Or registered in Land Registration Office under Certificate No. N/A

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):

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

120-51 SCHEDULE OF DISTRICT REGULATIONS TABLE 1 --- SPECIAL PERMIT MAXIMUM HEIGHT

120-51 SCHEDULE OF DISTRICT REGULATIONS TABLE 1 -- VARIANCE MINIMUM FRONT YARD SET BACK -- ADDITIONAL 5' FOR EACH STORY ABOVE 3RD FLOOR

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):

7 PERFORMANCE LOT IS AN OPEN PARKING LOT WITH 183 PARKING SPACES DEDICATED FOR USE AT 97 LIBBEY LOT PER VARIANCE GRANTED IN CASE # 3196 --- PARKING LOT AREA 2.586 ACRES -- CASE #3196 GRANTED PARKING VARIANCE -- 5 SPACES / 1000 GROSS FLOOR AREA

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 SEPARTE THE 7 PERFORMANCE DRIVE PARKING LOT FROM CASE #3196 AND (B) --- CONSTRUCT A NEW 5 STORY OFFICE BUILDING OF 80,000 SF AND 6 STORY PARKING PARKING GARAGE WITH 403 NEW GARAGE SPACES ---THE REQUIRED PARKING IS 800 SPACES. THE PROPOSAL PROVIDES PARKING AT 5 SPACES /1000 SF AT 403 SPACES CONSISTENT WITH THE PARKING VAIRANCES GRANTED AT 97 LIBBEY AND 90 LIBBEY.

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 TO PERMITTED USE

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 CASE #3196 JULY 10, 2013 BK 31765 PG 521
CONSERVATION DEP FILE #81-792

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

THE MODIFICATION OF CASE #3196 AND THE DEVELOPMENT OF 7 PERFORMANCE ARE PART OF THE MASTER PLAN PERMITTING PROCESS ALSO CONCERNING 90 LIBBEY AND 200 LIBBEY 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		PARKING LOT 183 SPACES	MEDICAL OFFICE BUILDING AND PARKING GARAGE
Lot Area / Size (Sq. Ft.)	43,560	108,114	108,114
Dwelling Units	N/A	N/A	N/A
Frontage (ft.)	150		
Lot Width (ft.)	150	568.79	568.79
Front Yard Setback (ft.)	50 BUILDING 55 GARAGE	OPEN LOT	41.1
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	25	OPEN LOT	35.5
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	25	OPEN	30.6
Height (ft.) & # of Stories	3 STORIES 35 FEET	OPEN	5 STORY OFFICE BUILDING AND 6 STORY PARKING GARAGE
Lot Coverage	60% MAXIMUM	OPEN	51%
Off-Street Parking Spaces	800 SPACES BASED ON 80,000 GROSS FLOOR AREA	183	403
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. The safety is enhanced by providing parking for 97 Libbey Lot at that Lot and maintaining all parking for 7 Performance at that Lot.

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 all required for 97 Libbey on that lot; allowing 7 Performance Lot to be developed 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.

Substantial hardship is demonstrated where 7 Performance Lot is limited presently as to use as an open parking lot -- not its highest and best use--- to provide required parking for the existing building at 97 Libbey.

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, the Old Swamp River, 30 Foot Drainage Easement affecting setbacks;

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 garage spaces at 5 spaces/ 1000 SF. The Table 1 additional set back requirements due to height exceeding 3 stories is not a detriment as the structures are in a Planned Office Park not abutting residences and allowed by Special Permit

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 800 Spaces at 80,000 SF of Gross Floor Area. The Proposal provides 403 spaces.

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

Name: Jason Ward