

## 200 Libbey Industrial Parkway

Board of Zoning Appeals Application  
February 12, 2021



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

**TO BE COMPLETED BY STAFF**

*Town Clerk Stamp*

Case Number: \_\_\_\_\_

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 Industrial Parkway

Assessor's Map Sheet, Block, & Lot: Parcel 34-435-141


Zoning District: Planned Office Park (POP) Overlay District: \_\_\_\_\_

**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: 1200 Hancock Street, Suite 301, Quincy, MA 02169

Norfolk County Registry of Deeds Book and Page No. \_\_\_\_\_

Or registered in Land Registration Office under Certificate No. 190495

**NAME OF APPLICANT (S)** (print&sign): FoxRock 200 Libbey, LLC 

Applicant's Address: 1200 Hancock Street, Suite 301, Quincy, MA 02169

Contact Information: Email jkleinman@foxrockproperties.com Phone 617-433-7792

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

**NAME & AFFILIATION OF REPRESENTATIVE:** Ed Fleming, Fleming & Fleming, PC

Address: 85 Clay Street, Quincy, MA 02170

Contact Information: Email efleming@flemingpc.com Phone 617-472-5100

**NAME OF ENGINEER AND / OR ARCHITECT:** Martin Batt AIA, Isgenuity LLC

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.

 Josh Kleinman  
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):

See attached Applicable Sections of Zoning Ordinance

*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):

See attached Petitioner's Description, Narrative & Site Photos

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

See attached Petitioner's Description and Narrative

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).

See attached Petitioner's Description and Narrative

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).

See attached Petitioner's Description and Narrative

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

See attached Petitioner's Description and Narrative

### **Applicable Sections of Zoning Ordinance:**

1. Section 120-51 Schedule of District Regulations, Table 1: Schedule of District Regulations:
  - a. Special Permit: Height: 3 stories, not to exceed 35 feet; up to 6 stories, not to exceed 80 feet, by Special Permit.
  - b. Variance: Lot Coverage Area: Variance to exceed 60% lot coverage area
2. Section 120-38.3/120-38.4 - Flood Plain Special Permit;
3. Section 120-62.1 Landscaping – Variance from Front Yard Landscaping requirement;
4. Section 120-64.4 Signs in Industrial Districts – Variances from the square footage and location limitations for Wall Signs and Freestanding Signs; and
5. Section 120-74.I. – Off-Street Parking – Variance from Minimum Required Spaces for Medical Office

### **Petitioner's Description and Narrative**

1. 200 Libbey Industrial Parkway [the "Site"] is currently improved by a 2-story industrial warehouse building that is approximately 20 feet tall. The existing asphalt and other impervious materials and structures currently extend into the 50-foot wetland buffer. Also, within the wetland buffer are areas of urban fill and debris. The existing building is approximately ±41,480 square feet and is mainly vacant with the exception of a single tenant that will be relocating to another site in Weymouth in 2021. Please see Appendix A for existing Site Photos
2. The redevelopment of the Site will replace an aging 2-story industrial building with a first class, 3-story medical office building of ±69,000 GSF [the "Project"]. The Project will raze the existing building and remove the existing site improvements. A new surface parking lot with 270 parking spaces will serve the Project. Previously disturbed areas located near Whitman's Pond will be restored with native landscape plantings and rain gardens as part of the stormwater management system. New trees, shrubs, perennial plantings, and grasses will be planted at the front of the Site along Libbey Industrial Parkway greatly improving the existing tired-looking planting strip. A new accessible walking path will be constructed near the pond for staff and patients to be able to enjoy the serene environment near the pond's edge. There will also be restorative landscape plantings at the pond's edge including native grasses and turtle habitats. The Project will remove existing paving, structures, and walls that encroach within the fifty-foot wetland buffer decreasing the existing lot coverage area. New stormwater structures will be constructed to capture and release stormwater in compliance with DEP standards for a redevelopment site. The Project will be a significant improvement to the Site and provide important medical care services to the residents of Weymouth and the South Shore.
3. Article XA, Planned Office Park District (POP), Section 120-35.1, Permitted Uses, provides that an "Office Park" is a permitted use within the POP district and Article X, Planned Industrial Park District (PIP), Section 120-31, Permitted Uses, provides that an "Office building" is an allowed use within the district, which includes Medical Office uses. The proposed uses of the building are intended to be by a hospital (and its affiliates and foundations) providing first-class ambulatory medical care to patients that includes, among other uses, primary and specialty care, diagnostics

and testing, imaging (including x-ray and MRI) and physical and occupational therapy, all of which fall under the definition of Medical Office use in the By-Law.<sup>1</sup>

4. Previous Approvals:

- a. A variance was approved by the Zoning Board of Appeals on August 12, 1971 and was recorded in Book 4797 on Page 626 at the Norfolk County Registry of Deeds.

5. Additional Information:

- a. The request for a special permit for height, which is allowed in the Town of Weymouth Zoning Ordinance, is consistent with other buildings in the Office Park. The requests for variances for lot coverage, minimum required parking, landscaping, and signage are consistent with other buildings in the Office Park and a substantial improvement to the existing conditions.

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<sup>1</sup> As part of this Application, the Applicant requests that the Zoning Board of Appeals include a finding in any decision that it renders that the uses set forth above in Paragraph 3 of the Project Narrative by a hospital (and its affiliates and foundations), are Medical Office uses for all purposes under the By-Law, irrespective of whether any portion of such use requires a license from any State agency or licensing authority.

## 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		Industrial/Ancil. Office	Medical Office
Lot Area / Size (Sq. Ft.)	43,560 sq. ft.	187,308 sq. ft.	187,308 sq. ft.
Dwelling Units			N/A
Frontage (ft.)	N/A	+/-420 ft.	
Lot Width (ft.)	150 ft	+/-388 ft.	+/-388 ft.
Front Yard Setback (ft.)	40 ft.	115 ft.	266 ft.
Front Yard Setback (ft.) – corner lots			N/A
Side Yard Setback (ft.)	25 ft.	83 ft.	56 ft.
Side Yard Setback (ft.)	25 ft.	79 ft.	81 ft.
Rear Yard Setback (ft.)	25 ft.	> 25 ft.	> 25 ft.
Height (ft.) & # of Stories	35ft./3sty   80 ft./6 sty	+/- 20 ft. / 2 stories	+/-45 ft. / 3 stories
Lot Coverage	60 percent	72.5 percent	68.3 percent
Off-Street Parking Spaces	267 spaces	N/A	270 spaces
Off-Street Loading Spaces	N/A		
Parking Setback	N/A		
Accessory Structure Setback			N/A
Landscaping	40 ft.	41 ft.	17 ft.
Floor Area Ratio	N/A		
Signage	10 ft. / 40 sf / 75 sf setback / site / bldg		See A-5, A-6, A-8
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.

See attached Special Permit Application

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

See attached Special Permit Application

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

See attached Special Permit Application

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

See attached Special Permit Application

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

See attached Special Permit Application



## Special Permit Application

1. The proposed project will remove a two-story industrial building and replace it with a first-class, 3-story medical office building. The project requests approval for additional height for the 3-story building, as the 35-foot limit is not adequate for a first-class medical office building. The proposed building will be consistent with the proposed use and aesthetic of other newer buildings in the office park including 90 and 97 Libbey Industrial Pkwy and 51 Performance Drive. A Special Permit is also required due to the Site's location in the Floodplain Overlay District.
2. The proposed Project will restore a blighted site, and the Project will expand the Town of Weymouth's ability to deliver first-class medical care to the residents of Weymouth and the South Shore of Massachusetts.
3. There will be no nuisance or serious hazard presented by this project as its use and scale is consistent with other buildings in the Office Park. The proposed Project has been professionally engineered by Tetra Tech Inc's Civil and Transportation teams. The proposed improvements will allow for the safe travel of pedestrians and vehicles alike.
4. Adequate and appropriate utilities are currently located in Libbey Industrial Parkway. The project contemplates the replacement and upgrades of services from the street onto the site to service the building and facilities.
5. Medical services in a new, first-class medical office building will provide another convenient location for the public to seek first-class medical care and treatment in the area.

## 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.

See attached Variance Application

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.

See attached Variance Application

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.

See attached Variance Application

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.

See attached Variance Application

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.

## Variance Application

1. A literal enforcement of the ordinance will prevent the highest and best use of the Site for medical office use as the requirements of this use require taller floor to floor construction, adequate parking and visible signage. The location of the Site along the edge of Whitman's Pond presents site related hardships that make the relief necessary and reasonable. Furthermore, the Project will restore a blighted site that is adjacent to Whitman's Pond. As part of the Project there will be the removal of impervious surfaces, urban fill, and other structures that were part of the industrial use. The project will reduce the use of impervious surfaces that are within the 50-foot wetland buffer setback and restore that portion of the Site with restorative plantings and habitats. There will be an overall reduction in lot coverage area, but the proposed lot coverage area will still exceed the amount allowed by the Zoning Ordinance. The proposed lot coverage is necessary to provide the adequate amount of parking for the Project, and the proposed off-street parking supply for the Project meets the anticipated demand for a suburban first-class Medical Office Building. A parking variance is required to allow a minimum of 270 accessory parking spaces for the Project, which more accurately reflects the actual parking usage of the proposed Medical Office use of the Site. The landscape buffer along Libbey Industrial Parkway will still include new tree, shrub, and grass plantings, but the front buffer does not act as a critical, restorative buffer in the same way as the buffer at the rear of the Site.
2. The Project will remove an industrial building that is beyond its useful life and provide landscape and drainage improvements to the site that is prone to seasonal flooding. The location and irregular nature of the parcel, and the additional setbacks required by the proximity to the wetlands does not allow for an efficient site layout. Increasing the parking supply would require the increase of impervious surfaces within the wetland buffer. The pond and associated wetland require important restorative landscape improvements at the rear of the site further constraining the Site.
3. The requested relief will result in the reduction in lot coverage area, provide landscape restoration to occur adjacent to the pond, and provide a use that is much more suitable to the Office Park than the existing industrial use of the Site. The proposed Project is a significant improvement from the current building and use.
4. The variance for lot coverage area, landscape buffer, minimum required parking, and signage will allow the proposed Project to move forward, which will be a significant improvement to the Site and the surrounding buildings in the office park. The lot coverage area and related landscape buffer relief will allow for the appropriate amount of parking for a medical office building use in a suburban location. The granting of the variances will satisfy the minimum requirements of a first-class medical tenant for this specific site.

## **APPENDIX**

Appendix A: Existing Site Photos

Appendix B: Proposed Lighting Cutsheets

**APPENDIX A**  
**Existing Site Photos**



1 - View from Southwest Corner of Libbey Industrial Parkway



2 - View from Southeast Corner of Libbey Industrial Parkway





3 - View down West Property Line



4 - View down East Property Line





5 - View at North End (rear) of Site



6 - View Towards Pond

**APPENDIX B**  
**Proposed Lighting Cutsheets**





**SternbergLighting**

ESTABLISHED 1923 / EMPLOYEE OWNED

555 Lawrence Avenue | Roselle, IL 60172 | p 847.588.3400 | [www.sternberglighting.com](http://www.sternberglighting.com)

CONCEPTUAL ASSEMBLY DRAWING, SUBJECT TO ENGINEERING VERIFICATION BY THE FACTORY

**ARM NUMBER OF ARMS: 1**

Number of Arms: One Arm (1)

**ARM ARM FIXTURE: SL730**

The Solana® Arm Mount Luminaire's stylish design is a perfect accent for urban settings. The subtle, yet sophisticated look enhances the impact of any project. The Solana's wide array of optics, lenses and distributions makes this an easy choice for a variety of commercial institutional and municipal projects.

**FIXTURE OPTIONS: -24L30T3-MDL018-SV1-RP56-BLOC**

Array: 24 LEDs, 118W for MD\_018 (24L)  
Color Temp: 3000K (30)  
Distribution: Type 3 (T3)  
Driver: Multi-Volt Dimmable Low-Range Driver - 120-277V, 180mA (MDL018)  
Lens: Flat Soft Vue Light Diffuse Acrylic (SV1)  
Round Pole 5" to 6" Pole (RP56)  
Adapter: Yes (BLOC)  
House Side  
Shield or BLOC:

**POLE: /RSS25-N500-D1-2400-5**

Urban Line round straight steel pole.

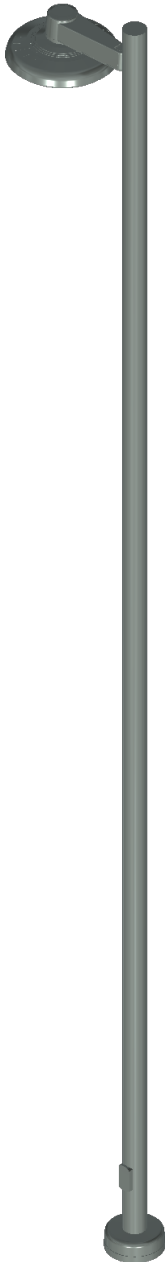
Model: RSS (/RSS)  
Height: 25 Ft (25)  
Gauge: 7 Gauge (N)  
Shaft Size: Round Straight 5 Inch (500)  
Fixture Mtg Type: Single Fixture, Side Mount (D1)  
Base Cover: 2400-5 Round Base (2400-5)

**POLE CAP: PCC**

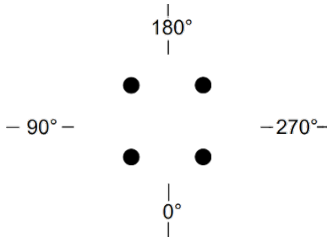
The option tops the Urban pole with a flat cap.

**FINISH: /BKT**

Assembly shall be powder coated to Black Textured finish. Prior to coating, the assembly shall be chemically cleaned and etched in a 5-stage washing system which includes alkaline cleaning, rinsing, phosphoric etching, reverse osmosis water rinsing, and non-chrome sealing to ensure corrosion resistance.



Arms and Accessory	Orientation
Direct Mount	180



(4) 3/4"-1" Anchor Bolts, 8" Bolt Circle, Square pattern

Access Door Orientation: 0°  
Street Side Orientation: 180°



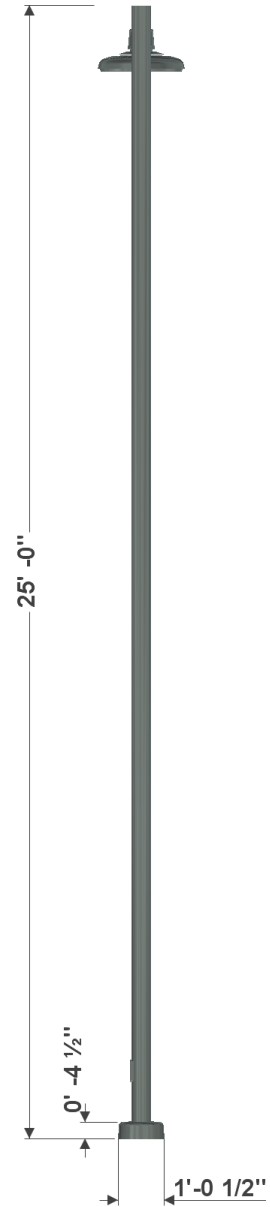
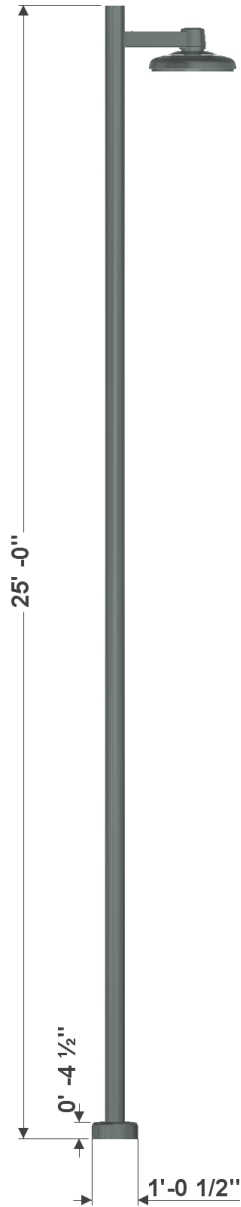
# SternbergLighting

ESTABLISHED 1923 / EMPLOYEE OWNED

555 Lawrence Avenue | Roselle, IL 60172 | p 847.588.3400 | [www.sternberglighting.com](http://www.sternberglighting.com)

CONCEPTUAL ASSEMBLY DRAWING, SUBJECT TO ENGINEERING VERIFICATION BY THE FACTORY

Light Label: SL3BL & SL4BL & SL2BL



Catalog Number: 1A-SL730-24L30T3-MDL018-SV1-RP56-BLOC / RSS25-N500-D1-2400-5 / PCC / USL



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CONCEPTUAL ASSEMBLY DRAWING, SUBJECT TO ENGINEERING VERIFICATION BY THE FACTORY

## ARM NUMBER OF ARMS: 2

Number of Arms: Two Arms at 180 degrees (2)

## ARM ARM FIXTURE: SL730

The Solana® Arm Mount Luminaire's stylish design is a perfect accent for urban settings. The subtle, yet sophisticated look enhances the impact of any project. The Solana's wide array of optics, lenses and distributions makes this an easy choice for a variety of commercial institutional and municipal projects.

## FIXTURE OPTIONS: -24L30T3-MDL018-SV1-RP56-BLOC

Array: 24 LEDs, 118W for MD\_018 (24L)  
 Color Temp: 3000K (30)  
 Distribution: Type 3 (T3)  
 Driver: Multi-Volt Dimmable Low-Range Driver - 120-277V, 180mA (MDL018)  
 Lens: Flat Soft Vue Light Diffuse Acrylic (SV1)  
 Round Pole 5" to 6" Pole (RP56)  
 Adapter: Yes (BLOC)  
 House Side  
 Shield or BLOC:

## POLE: /RSS25-N500-D1-2400-5

Urban Line round straight steel pole.

Model: RSS (/RSS)  
 Height: 25 Ft (25)  
 Gauge: 7 Gauge (N)  
 Shaft Size: Round Straight 5 Inch (500)  
 Fixture Mtg Type: Single Fixture, Side Mount (D1)  
 Base Cover: 2400-5 Round Base (2400-5)

## POLE CAP: PCC

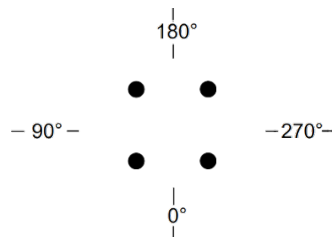
The option tops the Urban pole with a flat cap.

## FINISH: /BKT

Assembly shall be powder coated to Black Textured finish. Prior to coating, the assembly shall be chemically cleaned and etched in a 5-stage washing system which includes alkaline cleaning, rinsing, phosphoric etching, reverse osmosis water rinsing, and non-chrome sealing to ensure corrosion resistance.



Arms and Accessory	Orientation
Direct Mount	0, 180



(4) 3/4"-1" Anchor Bolts, 8" Bolt Circle, Square pattern

Access Door Orientation:	0°
Street Side Orientation:	180°

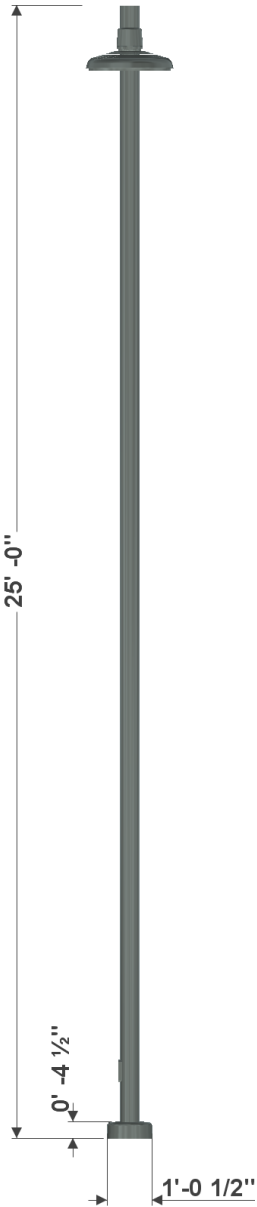
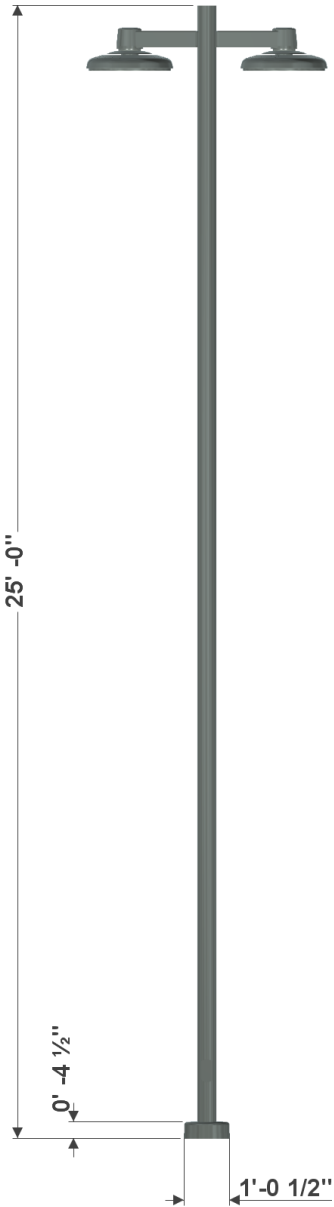


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CONCEPTUAL ASSEMBLY DRAWING, SUBJECT TO ENGINEERING VERIFICATION BY THE FACTORY



Catalog Number: 2A-SL730-24L30T3-MDL018-SV1-RP56-BLOC / RSS25-N500-D1-2400-5 / PCC / USL



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CONCEPTUAL ASSEMBLY DRAWING, SUBJECT TO ENGINEERING VERIFICATION BY THE FACTORY

## PT FIXTURE: SL760

The Solana® Post Top Luminaire's modern geometric design complements a diverse assortment of contemporary architectural settings. Its urbanesque yoke design offers not only aesthetic beauty, durability and optical efficiency, but takes street, area, and medium mount lighting to another level. The Solana SL760 is well suited for all roadway, site and pedestrian environments

## PT FIXTURE LIGHT SOURCE: -24L30T3-MDL014

Array: 24 LEDS, 90W for MD\_014 (24L)  
 Color Temp: 3000K (30)  
 Distribution: Type 3 (T3)  
 Driver: Multi-Volt Dimmable Low-Range Driver - 120-277V, 140mA (MDL014)

## PT FIXTURE OPTIONS: -SV2-BLOC

Lens: Flat Soft Vue Moderate Diffused Acrylic (SV2)  
 Houseside Shield Yes (BLOC)  
 or Back Lighting  
 Optical Control:

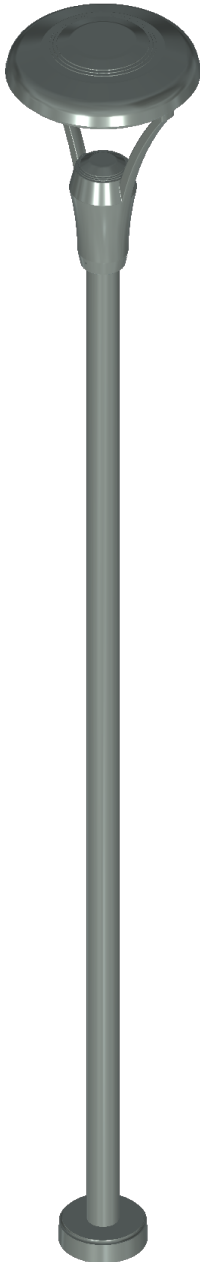
## POLE: 450P4-12-.250

The 10-1/2" diameter cast 356 aluminum alloy base and aluminum shaft shall be a one-piece construction. For fixtures using remote ballasts or drivers, the servicing of these components requires pulling the pole. The pole shall be U.L. or E.T.L. listed in U.S. and Canada. All pole heights to have a tolerance of  $\pm 2"$

Model: 450 Lexington (450)  
 Shaft Type: Smooth Straight 4 Inch, 6061-T6 Aluminum Alloy (P4) (P4-)  
 Height: 12 Ft (12)  
 Gauge: 0.250" (.250)

## FINISH: /BKT

Assembly shall be powder coated to Black Textured finish. Prior to coating, the assembly shall be chemically cleaned and etched in a 5-stage washing system which includes alkaline cleaning, rinsing, phosphoric etching, reverse osmosis water rinsing, and non-chrome sealing to ensure corrosion resistance.



(4) 1/2" x 18" Anchor Bolts, 8" Bolt Circle,  
 Diamond pattern

Access Door Orientation: 0°  
 Street Side Orientation: 180°

Catalog Number: PT-SL760-24L30T3-MDL014-SV2-BLOC / 450P4-12-.250 / USL



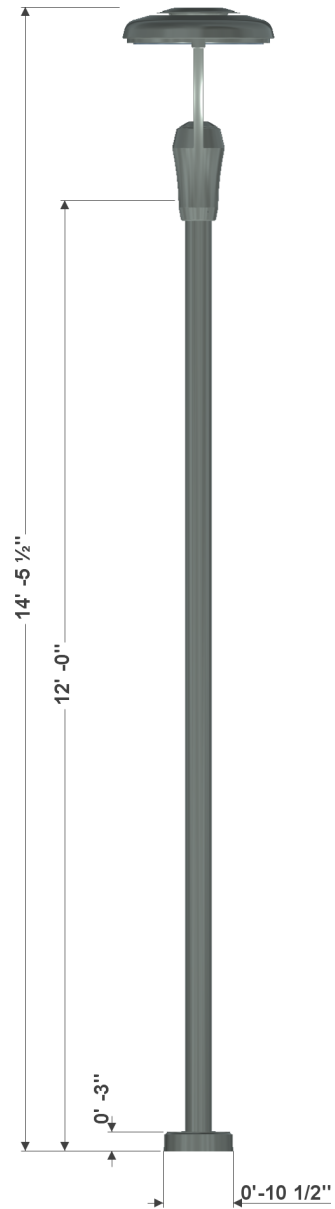
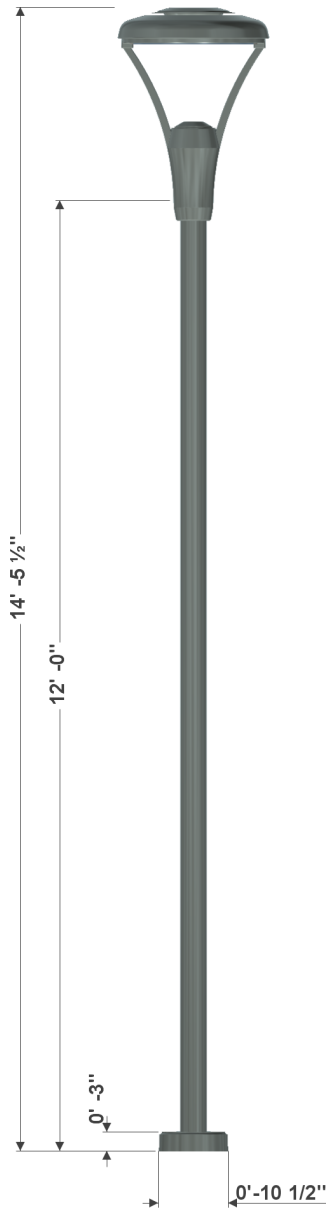
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CONCEPTUAL ASSEMBLY DRAWING, SUBJECT TO ENGINEERING VERIFICATION BY THE FACTORY

Light Label: SS3BL



Catalog Number: PT-SL760-24L30T3-MDL014-SV2-BLOC / 450P4-12-.250 / USL