

***Town of Weymouth
Massachusetts***

**Kathleen A. Deree
Town Clerk**

**Town Clerk's Department
781-340-5017
781-682-6129 (FAX)**



**Robert L. Hedlund
Mayor**

**75 Middle Street
Weymouth, MA 02189**

May 19, 2021

To Whom It May Concern:

I, Lee A. Hultin, Assistant Town Clerk of the Town of Weymouth do hereby certify this to be the action taken by the Board of Zoning Appeals at their meeting held on April 14, 2021 on APPLICATION OF: FoxRock 200 Libbey, LLC, Case # 3437.

No appeal was filed within the twenty (20) day appeal period.

Signed: _____

A True Copy. ATTEST:

**Lee A. Hultin
Assistant Town Clerk**

RECEIVED
TOWN OF WEYMOUTH, MASSACHUSETTS
BOARD OF ZONING APPEALS
NOTICE OF DECISION
200 LIBBEY INDUSTRIAL PARKWAY
2021 APR 29 AM 10:16

(To be mailed forthwith to the owner and applicant, if not the owner)

Owner:	FoxRock 200 Libbey, LLC	Date:	April 29, 2021
Address:	1200 Hancock Street, Suite 301 Quincy, MA 02169		
Applicant:	FoxRock 200 Libbey, LLC	Case #:	3437
Address:	1200 Hancock Street, Suite 301 Quincy, MA 02169		
Representative:	Edward J. Fleming, Atty 85 Clay Street Quincy, MA 02170	Site Address:	200 Libbey Ind. Pkwy
		Sheet:	34
		Block:	435
		Lot:	141

Zoning District: Planned Office Park (POP)

Board of Zoning Appeals application filed on February 12, 2021.

After public hearings on March 24, 2021 and April 14, 2021, and as advertised in the Weymouth News on March 10, 2021 and March 17, 2021, the Board of Zoning Appeals at its meeting on April 14, 2021

VOTED 5-0 TO GRANT the following relief from the Weymouth Zoning Ordinance to permit the removal of the existing 2-story industrial building and asphalt parking surface and construction of new, three (3)-story medical office building consisting of approximately ±69,000 GSF and new surface parking lot consisting of 270 parking spaces:

- **A Special Permit under Section 120-35.7, Table 1, Schedule of District Regulations** to permit a three (3) story commercial structure to exceed the maximum height of 35 feet;
- **A Flood Plain Special Permit under Section 128-38.3/ 120-38/4** to allow the demolition of the existing commercial structure and construction of a new, three-story commercial structure within the flood plain in accordance with the Order of Condition issued by the Weymouth Conservation Commission, DEP File No. 81-1267.
- **Variances** from the following sections of the ordinance:
 - **Variance from Maximum Lot Coverage (percentage of lot area)** regulation in Table 1, Schedule of District Regulations to permit lot coverage greater than Sixty (60) Percent;
 - **Variance Front yard landscaping under Section 120-62.1;**
 - **Variance from Off-Street Parking under Section 120-74.1** to permit 270 parking spaces for the proposed medical office use; and

- **Finding under Section 120-35.2.1, as amended by Ordinance No. 04-133** that the proposed medical office use 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 falls within the definition of Medical Office use in the By-Law, and is, thereby, a permitted use within the district.

The approvals are based on Site Plans prepared by Tetra Tech and dated 3/17/2021. Sheets C-3 and L-1 have a revision date of 4/9/2021. Architectural Plans were prepared by Isgenuity LLC and dated 4/9/2021.

FINDINGS:

The Board found that the proposal met the requirements for Special Permits under Section 120-122 (D) as follows:

1. The specific site is an appropriate location for medical office use. *Section 120-35.1, as amended by Ordinance No. 04-133 allows medical office uses within Planned Industrial Park and Planned Office Park zoning districts and the applicant's proposal involving a hospital user qualifies as a medical office under the ordinance.*
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town. *The property is located with the Libbey Industrial Parkway Office Park and the proposed use is in keeping with the character of that development.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians. *A traffic Impact Assessment dated 2/11/2021 was prepared and submitted by Tetra Tech and reviewed by the Weymouth Traffic Engineer. The project includes the addition of sidewalks to portions of Libbey Industrial Parkway and additionally features a network of pedestrian pathways to allow for safe pedestrian movement.*
4. There are adequate and appropriate facilities, utilities and other public services provided for the property operation of the proposed use. *The proposal has been fully reviewed by the Weymouth DPW, Engineering, and Conservations divisions. The project was issued an Order of Conditions concurrently with this Board's review. The robust storm water management system has been reviewed and demonstrates a significant improvement to existing conditions and is adequate to control treat future run-off.*
5. That the public convenience and welfare will be substantially served with the proposal. *The project will provide additional health care options for Weymouth and surrounding communities and will create additional medical and office employment opportunities.*

VARIANCE FINDINGS:

The Board also voted to approve the requested variances owing to circumstance relating to the soil conditions, shape, and topography of the subject property, which especially affect the subject property but do not generally affect the zoning district in which the subject property is located, and where a literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioner, and that the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or by-law. Specifically, the Board recognized that the location of the subject parcel adjacent to Whitman's Pond and within the Flood Plain, and related unfavorable soil conditions and shape of the site, created a unique hardship for the redevelopment of the subject property.

CONDITIONS:

1. As per plans, a sidewalk will be installed along the Libbey Industrial Parkway street frontage.
2. The applicant agrees to continue conversations with Town officials to assess and assist in mitigating traffic impacts resulting from the new development. Possible mitigation may include additional sidewalks within the office park and/or the possible addition of a dedicated turning lane at the intersection of Middle Street and Libbey Industrial Parkway.

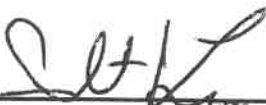
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of Special Permits and Variances. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA with the appropriate filing fee.

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on April 29, 2021

IMPORTANT: Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (2) days after the filing of the decision with the Town Clerk.



Robert J. Luongo, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

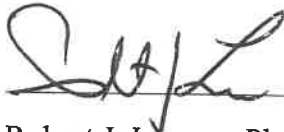
BOARD OF APPEALS

April 29, 2021

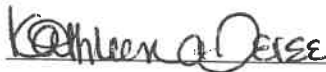
Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Weymouth hereby certifies that a Variance or Special Permit has been granted to FoxRock 200 Libbey, LLC, 1200 Hancock Street, Suite 301, Quincy, MA 02169, affecting the rights of the owner with respect to land or buildings at 200 Libbey Industrial Parkway also shown on the Weymouth Town Atlas Sheet 34, Block 435, Lot 141, and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.



Robert J. Luongo, Planning Director



Kathleen Deree, Town Clerk

Case # 3437

Date of Hearing: 4/14/2021