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TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2015 NOV 23 AM 10:45

TO BE COMPLETED BY STAFF

Case Number: 3272 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: 0 Performance Drive & 90 Libbey Parkway

Assessor's Map Sheet, Block, & Lot: 34-433-16 33-433-4

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

OWNER OF RECORD (S) (print & sign): Foxrock Libbey Realty LLC & Foxrock Performance 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. N/A

Or registered in Land Registration Office under Certificate No. LC Cert #176923 & LC Cert #190806

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):

Modify Case # 3069 --- Merge 0 Performance Drive & 90 Libbey for zoning purposes as Contiguous lots in common ownership

120-74 1 MINIMUM REQUIRED SPACES -- VARIANCE FOR MEDICAL PROFESSIONAL BUILDING

120-62 Location on Lot of Structure (Retaining Wall) within 50 Feet of lot Line abutting School Lot Line

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):

0 Performance lot is presently a vacant lot of 2.99 Acres. Applicant recently acquired this lot. The 90 Libbey Lot is existing two story office medical building of 81,900 with 372 parking spaces and 8.47 Acres. Case #3069 granted Applicant a medical use parking variance providing 372 spaces or 4.5 spaces / 1000 SF. In Case # 3008, the BZA had granted a parking variance at 3.2 spaces / 1000 SF which Applicant improved in Case # 3069. The front yard setback at 39.0 where 40.0 is required is an existing building condition at 90 Libbey. The new building addition on 0 Performance Lot complies with the front setback.

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 two story office building of 26,000 SF on 0 Performance Lot of 129,800 SF contiguous with 90 Libbey Lot and merged. (B) ---Provide 183 new parking spaces on Performance Lot and retain 349 parking of the existing spaces at 90 Libbey Lot for a total of 532 parking spaces at 4.9 spaces / 1000. Applicant improves the Variance granted Case # 3069

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 --

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 #3008 June 5, 2008 BK 25888 PG 423
BZA Case # 3069 February 4, 2010 BK 27530 PG 200

CONSERVATION DEP FILE #81-1064 BK 27155 PG 451

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

THE MODIFICATION OF CASE #3069 AND THE DEVELOPMENT OF 7 PERFORMANCE, 97 LIBBEY, 200 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 Medical Office Building	ADD NEW 2 STORY MEDICAL OFFICE BUILDING
Lot Area / Size (Sq. Ft.)	43,560	108,114	498,930
Dwelling Units	N/A	N/A	N/A
Frontage (ft.)	150		
Lot Width (ft.)	150	568.79	568.79
Front Yard Setback (ft.)	40	39.0	no change to existing -- addition complies with setback
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	25		139.3
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	25		145.5
Height (ft.) & # of Stories	3 STORIES 35 FEET		2 < 35
Lot Coverage	60% MAXIMUM		54%
Off-Street Parking Spaces	800 SPACES BASED ON 80,000 GROSS FLOOR AREA	372	532
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.

N/A

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.

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

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

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

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

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 0 Performance and 90 Libbey are within the 100 foot and 50 foot Conservation buffer zones, Whortleberry Pond and bordering vegetated wetland area limiting parking area.

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 4.9 spaces / 1000 SF which improves the existing parking ratio of 4.5 / 1000 with historical experience demonstrates that the request does not derogate the intent of the Ordinance or present any detriment to public good.

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 1079 spaces: 260 spaces for 0 Performance (26,000 SF) and 819 Spaces for 90 Libbey (81,900 SF). Applicant provides 532 Space ---- 183 at 0 Performance and 349 at 90 Libbey or 4.9 spaces / 1000. Case # 3069 granted parking Variance for 90 Libbey at 4.5 spaces / 1000.

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