

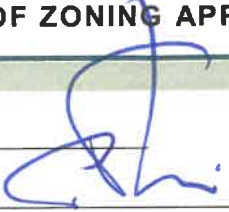
TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2023 MAY -5 AM 10: 24

TO BE COMPLETED BY STAFF

Case Number: #3506

Town Clerk Stamp

Submittal Accepted:  Date 5/5/23
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: Proposed Loading Dock / 90 Libbey Parkway

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

Zoning District: Planned Office Park - POP Overlay District: Watershed/Groundwater Protection

OWNER OF RECORD (S) (print & sign): FoxRock Libbey 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: 350 Granite St Suite 2205 Braintree MA 02169

Norfolk County Registry of Deeds Book and Page No. ---

Or registered in Land Registration Office under Certificate No. 176923

NAME OF APPLICANT (S) (print & sign): FoxRock Libbey Realty LLC c/o FoxRock Properties LLC

Applicant's Address: 350 Granite St Suite 2205 Braintree MA (contact: Matt Galt)

Contact Information: Email mgalt@foxrockproperties.com Phone 617-249-1415

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Tetra Tech, Inc., 20 Cabot Blvd. Suite 305 Mansfield MA 02048

Contact Information: Email Glenn.Dougherty@tetrattech.com Phone 781-760-1367

NAME OF ENGINEER AND / OR ARCHITECT: same as Representative

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.


Applicant / Petitioner - Date (sign & print)

MATTHEW GALT

DIRECTOR OF ASSET MANAGEMENT
FOXROCK PROPERTIES LLC
ON BEHALF OF
FOXROCK LIBBEY REALTY LLC

NATURE OF REQUEST

Application is for: ☒ Special Permit ☐ Variance Other: Amended Special Permit

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

Article XVIII Off-Street Loading, Section 120-76 Off-Street Loading Spaces Required for non-residential uses.

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):

Medical Office Building, 83,070 S.F. gross floor area on 8.47 acres lot in the Planned Office Park (POP) Zoning District with parking totaling 382 spaces and three site access driveways.

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

Construction of a loading dock service area on the southeast side of the medical office building that fronts Performance Drive.

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).

The proposed use is permitted and required by Article XVIII Section 120-76 Off-Street Loading Spaces Required.

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 Cases #3008 & #3069

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

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		Medical Office Building	No Change
Lot Area / Size (Sq. Ft.)	43,560 SF (1 acre)	369,141 SF (8.47 acres)	No Change
Dwelling Units	N/A	N/A	N/A
Frontage (ft.)	No Requirement	998 feet	No Change
Lot Width (ft.)	150 feet	>150 feet	No Change
Front Yard Setback (ft.)	40 feet	39.0 feet	No Change
Front Yard Setback (ft.) – corner lots	40 feet	39.0 feet	No Change
Side Yard Setback (ft.)	25 feet	56.7 feet	No Change
Side Yard Setback (ft.)	25 feet	41.2 feet	No Change
Rear Yard Setback (ft.)	25 feet	253 feet	No Change
Height (ft.) & # of Stories	3 stories, 35 feet	1 & 2 story, <35 feet	No Change
Lot Coverage	60%, impervious	54.7%	56.1%
Off-Street Parking Spaces	1 per 200 SF	382	No Change
Off-Street Loading Spaces	2	0	1
Parking Setback	-	-	No Change
Accessory Structure Setback	N/A	N/A	N/A
Landscaping	Front Yard Area	Site Complies	Landscaping at loading dock
Floor Area Ratio	No Requirement	-	No Change
Signage	No Requirement	-	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.

Yes. This is an existing medical office building located in the Planned Office Park Zoning District.

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

No. Off-Street Loading is required under Article XVIII Section 120-76 for non-residential uses. This proposed loading dock service area will bring the property further into conformance and is designed with safe engineered methods that are not detrimental to the character of the neighborhood or town.

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

No. The loading service area is designed with one-way ingress and egress access driveways on Performance Drive to provide safe vehicular maneuvering with no hazard to other vehicles or any pedestrians.

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

Yes. The proposed use itself provides adequate and appropriate off-street loading facilities for the existing office building.

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

The loading area will serve the existing medical office building, which substantially provides public convenience and welfare.

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.

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):

This page is N/A to this Amended Special Permit Application.

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.

N/A

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.

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.

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.

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.