



CITY OF NEWBURYPORT  
 ZONING BOARD OF APPEALS  
 60 PLEASANT STREET • P.O. BOX 550  
 NEWBURYPORT, MA 01950  
 (978) 465-4400  
 WWW.CITYOFNEWBURYPORT.COM

RECEIVED  
 CITY CLERK'S OFFICE  
 NEWBURYPORT, MA  
 2017 AUG 29 PM 12:38

RECORD OF PROCEEDINGS AND DECISION FOR  
 A SPECIAL PERMIT FOR NON-CONFORMITIES

An application for a Special Permit for Non-Conformities was filed by:

**Diane and Greg Chorebanian c/o Lisa L. Mead, Mead, Talerman & Costa, LLC**  
 30 Green Street  
 Newburyport, MA 01950

for property owned by **Diane and Greg Chorebanian** for the following request:

*reconstruct pre-existing non-conforming accessory structure for new use and improve setbacks*

The application was filed at the City Clerk's Office on **07/11/17** under the Zoning Ordinance Section X-H.3 Powers of the Board and Section **IX.B.2 Extension or Alteration**.

The application is for the premises at **55 Washington Street** in the **R3** Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel **51-25** and recorded in the Essex South District Registry of Deeds as Book and Page **29488-63**. The newspaper notices for the public hearing were posted on **07/24/17** and **07/31/17** in the Newburyport Daily News.

A public hearing was held for the above application on **08/24/17** at 7:15 p.m. at which time the Board heard the petition for a Special Permit for Non-Conformities. After the close of the hearing on **08/24/17**, upon motion made by **Maureen Pomeroy** and duly seconded by **Robert Ciampitti**, the Board voted to **APPROVE** the petition for the Special Permit for Non-Conformities.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	<u>Yes</u>	Richard Goulet	<u>Yes</u>
Renee Bourdeau	Absent	Maureen Pomeroy, Associate	<u>Yes</u>
Edward Ramsdell, Chair	<u>Yes</u>		

Having received the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 9, as adopted, the petition for the Special Permit for Non-Conformities was therefore **APPROVED**.

**FINDINGS**

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section IX.B Extension or Alteration, the Newburyport Zoning Board of Appeals made the

following findings:

1. The applicant is proposing to rebuild an existing detached outbuilding for the purpose of using it as an in-law apartment. This includes the reconstruction of the existing non-conforming accessory structure for the new use (#109) and improving non-conforming setbacks: Outbuilding side setback 6.6/10.1 (improved) where 10 is required, and Outbuilding rear setback of 10.1 (improved) where 20 is required.
2. The applicant is reducing the footprint of the structure and not adding any new non-conformities.
3. Evidence was presented and the Board found that the proposed change continues to be in conformity with the neighborhood and will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure.
4. In accordance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance the Board found, upon recommendation of the DPS, that the sidewalk is in excellent condition and due to the narrow sidewalk, new trees are not recommended.

## PLAN REFERENCES

This Special Permit for Non-Conformities is approved based on the following plans and/or documents:

- "Proposed Plot Plan of Land 55 Washington Street in Newburyport, Massachusetts Essex County" by DGT Survey Group - North Shore dated 3/24/17 and revised through 6/28/17;
- "Parents Dwelling" by Fulcrum Architects dated 6/9/17

Any alterations to these plans shall require subsequent approval by the Zoning Board of Appeals.

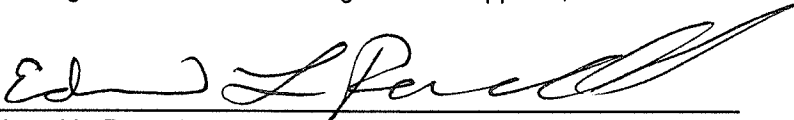
## CONDITIONS OF APPROVAL

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. This Special Permit for Non-Conformities shall not take effect until a copy of this decision bearing the certification of the City Clerk is recorded in the Essex South Registry of Deeds or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.
2. This special permit will lapse after two years if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.

This decision was filed with the Newburyport City Clerk on **08/29/17** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

Undersigned Chair of the Zoning Board of Appeals,

  
Edward L. Ramsdell

Date: 08/29/17

CERTIFICATION OF CITY CLERK

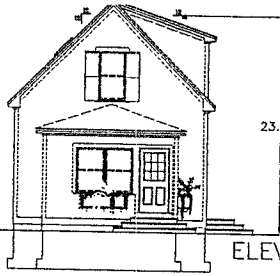
I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as **55 Washington Street** was filed in the Office of the City Clerk on **08/29/17**.

Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on **08/29/17**.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

\_\_\_\_\_  
Newburyport City Clerk

Date: \_\_\_\_\_



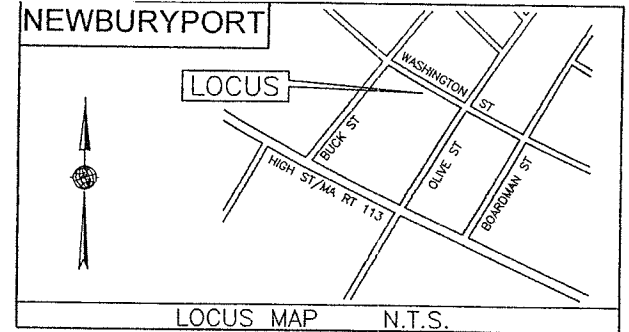
ELEVATION VIEW  
N.T.S.

**LOCUS DATA**

OWNERS: GREGORY & DIANA CHOREBANIAN  
 ASSESSOR'S REF. MAP 51 LOT 25  
 LEGAL REF.: DEED BOOK 29488 PAGE 63

**REFERENCES:**

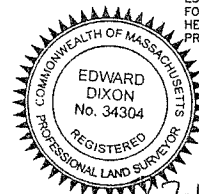
1. ESSEX COUNTY REGISTRY OF DEEDS  
BK 29488 PG 557 63
2. CITY OF NEWBURYPORT ASSESSOR  
MAP 51 PARCEL 25



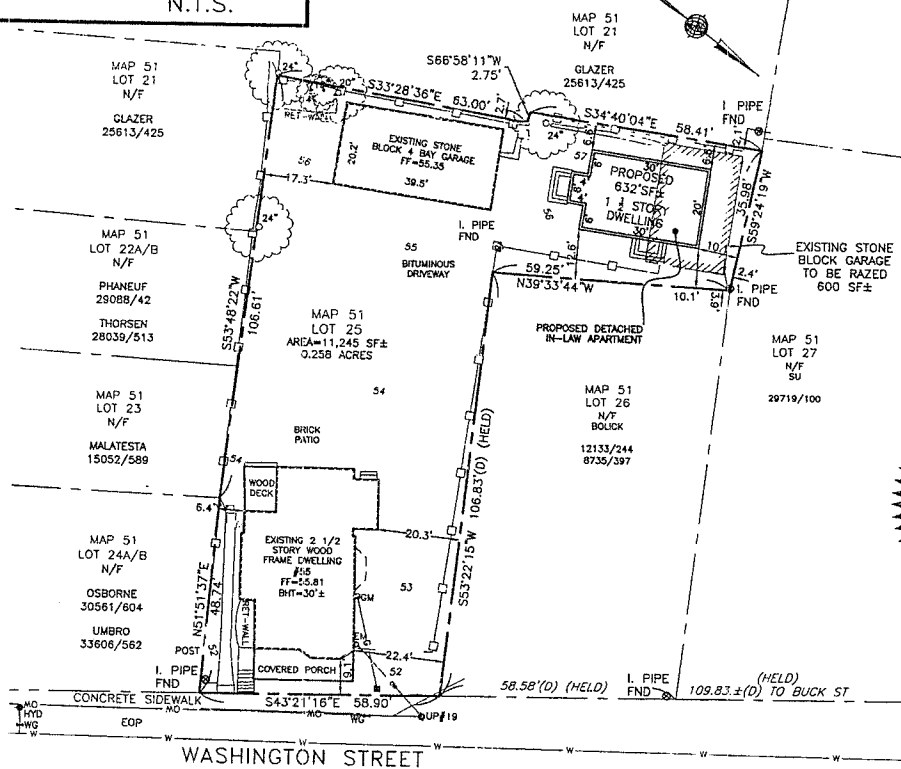
**NOTES:**

1. FIELD SURVEY PERFORMED: DECEMBER 5, 2016.
2. THIS PLAN IS PART OF THE APPLICATION FOR A VARIANCE TO ALLOW THE CONSTRUCTION OF A DETACHED IN-LAW APARTMENT ON THE SUBJECT PROPERTY.

I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR THE NEW WAYS ARE SHOWN AND THAT THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.



*Edward Dixon*  
 PROFESSIONAL LAND SURVEYOR  
 DATE: 2-7-17



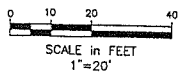
**ZONING MATRIX**

CURRENT ZONING: R3/IN-LAW APARTMENT (109)

	REQUIRED 8,000 S.F.	EXISTING RESIDENCE 11,245 S.F.±	EXISTING GARAGE 11,245 S.F.± N.C.	PROPOSED IN-LAW APARTMENT 11,245 S.F.± N.C.
LOT AREA	80	58.9'	58.9' N.C.	58.9' N.C.
FRONTAGE	20	9.1'	NA N.C.	NA N.C.
FRONT YARD SET BACK	10'	20.3'(R) 6.4'(L)	2.1'(R) 3.9'(L)	6.6'(R) 10.1'(L)
REAR YARD SET BACK	20'	93.3'	2.4'	10.1'
REAR YARD SET BACK	35 FT	30'± FT	12'± FT	23'± FT
BUILDING HEIGHT	30%	23.1%	23.1%	23.3%
LOT COVERAGE	35%	40.7%	40.7%	40.4%
OPEN SPACE				

N.C. = NO CHANGE

REDUCED NOT TO  
SCALE



**PROPOSED PLOT  
 PLAN OF LAND  
 55 WASHINGTON STREET  
 IN  
 NEWBURYPORT, MASSACHUSETTS  
 ESSEX COUNTY**

PREPARED FOR:  
**DIANE & GREG CHOREBANIAN**

PREPARED BY:  
**DGT SURVEY GROUP - NORTH SHORE**  
 A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.

18 CENTER STREET  
 SUITE 1  
 NEWBURYPORT, MA  
 01950

TEL: 978-465-9992  
 info@dgtlsurvey.com  
 www.dgtlsurvey.com

RESEARCH:  
EDX

FIELD:  
AM/CA

CALCULATION:  
EDX

DRAFTING:  
AAM

CHECK:  
EDX

PROJ. MANAGER:  
EDX

DATE:  
MARCH 24, 2017

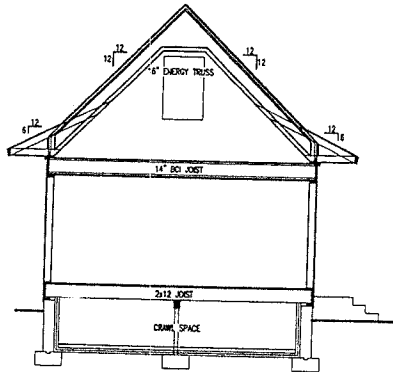
D.G.T. JOB NO.  
N4292

CRD FILE  
N4292.CRD

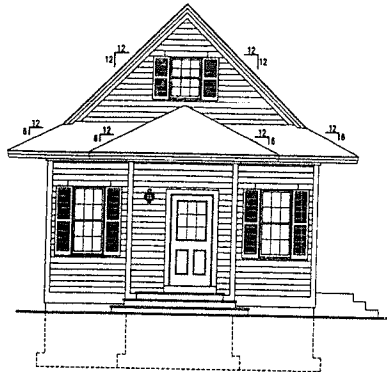
SHEET NO.  
1 OF 1

NO.	DESCRIPTION	DATE	BY
3	DESIGN REVISED	6-28-17	2
2	INC. EDITS	3-24-17	1
1	ORIG ISSUE	3-22-17	REV: 0

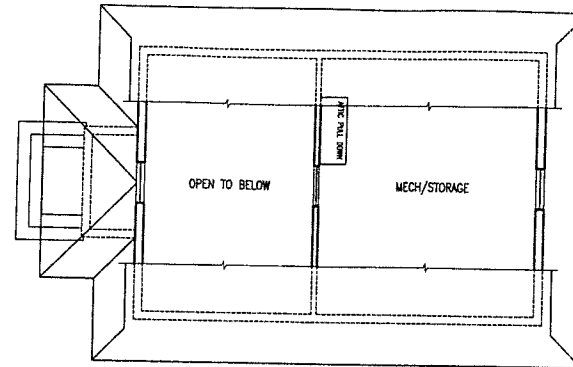
DRAWING NO.: N-4292-PPP.dwg



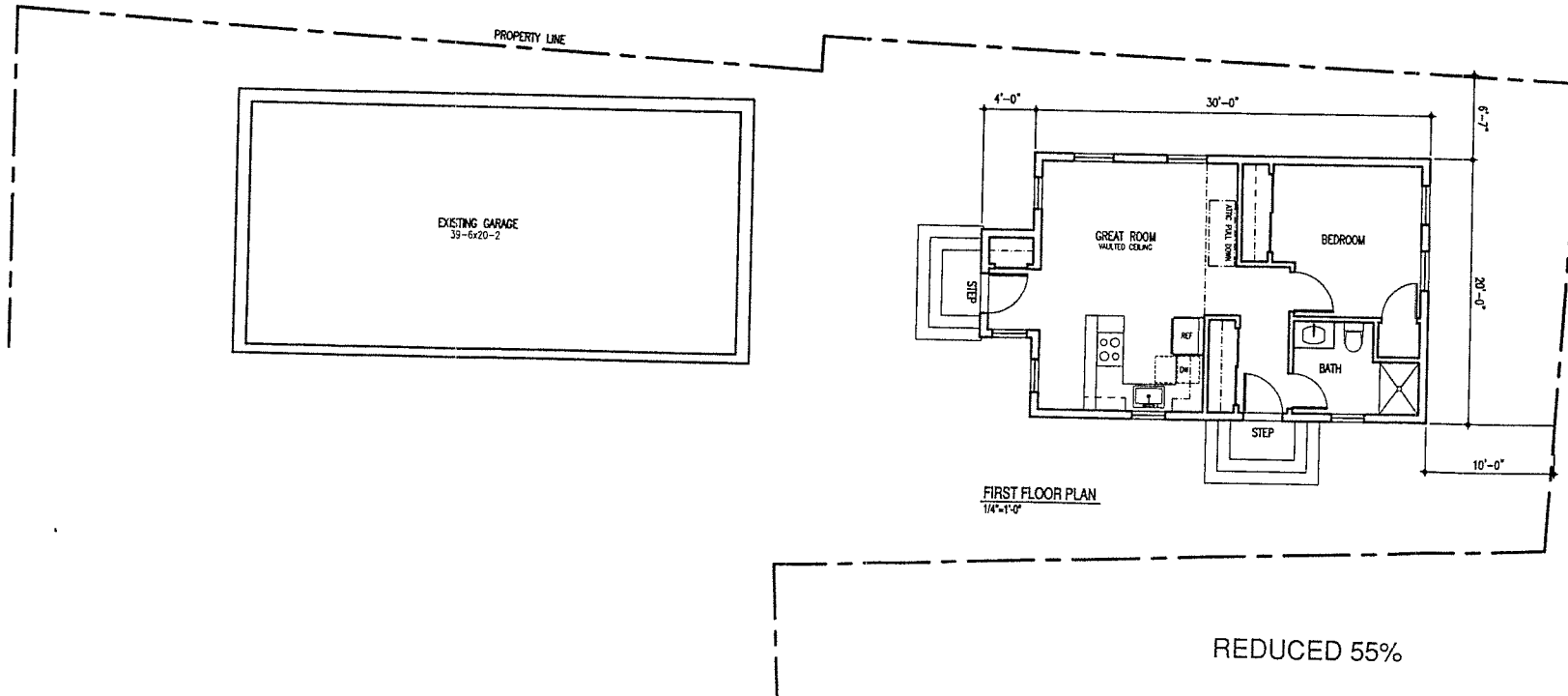
**BUILDING SECTION**  
1/4"=1'-0"



**SOUTHEAST ELEVATION**  
1/4"=1'-0"



**SECOND FLOOR PLAN**  
1/4"=1'-0"



**FIRST FLOOR PLAN**  
1/4"=1'-0"

REDUCED 55%

▲  
▲ ▲  
**FULCRUM, INC.**  
**ARCHITECTS**  
22 LAFAYETTE RD  
SALISBURY, MA 01852  
Tel: 978-462-5151  
eFax: 978-359-0059  
design@fulcrumarchitects.com

PROJECT: \_\_\_\_\_

**PARENTS DWELLING**  
55 WASHINGTON STREET  
NEWBURYPORT, MA 01950

ISSUED FOR:  
SK REVIEW 8-8-2017  
\_\_\_\_\_  
DRAWN BY:  
RJA  
\_\_\_\_\_  
FILE NAME:  
F:\CHORDRMAN  
PARENTS DWELLING  
\_\_\_\_\_  
SHEET NUMBER



SHEET NUMBER

A-1